

FRANCIS LIEBER

HIS LIFE, TIMES, AND POLITICAL
PHILOSOPHY



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FRANCIS LIEBER

HIS LIFE AND POLITICAL PHILOSOPHY

BY

LEWIS R. HARLEY, PH.D.



New York

THE COLUMBIA UNIVERSITY PRESS

THE MACMILLAN COMPANY, AGENTS

66 FIFTH AVENUE

1899

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Norwood Press
J. S. Cushing & Co. — Berwick & Smith
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TO MY FORMER TEACHER
JOHN BACH McMASTER, LITT.D.

This Volume is Inscribed

PREFACE

THIS volume is the result of studies in history and politics in the University of Pennsylvania, where those portions of the work relating to political philosophy were read in the seminary conducted by Dr. Edmund J. James. The author subsequently decided to prepare a biography of Lieber, and thus present in a single volume the story of his life and an exposition of his political writings. The subject is an interesting one, beginning with that exciting period of German history when the gymnasia and the universities developed a new type of manhood that insisted on national unity and constitutional government. After tracing the career of Lieber through many vicissitudes, it is a labor of great profit to study his life and writings in a new sphere of activity in the United States. No one can examine his works without being impressed with the personality of the man. He was fond of looking at the moral side of political life. 'No Right without its Duties, no Duty without its Rights, was his favorite motto, and this lofty sentiment pervades all his books. His aptitude for historical studies enabled him to look at the progress of the nations with a true perspective,

thus rendering his advice of great value. He had a marked influence on the thinking of men who grew up in the middle of this century, and at the present day it would be well for the young citizen to read carefully his great treatises on the state.

Menzel claims that Germany has derived no benefit from the emigration of her sons; but Lieber enriched the fatherland, as well as America, with his great productions on civil liberty. His influence as an educator led to a deeper respect in this country for German culture, and thus Germany has been well repaid for her contributions to our civilization.

In the preparation of this work the author has received valuable assistance from Hon. Andrew D. White, Ithaca, N.Y., Hon. M. Russell Thayer, Philadelphia, Judge-Advocate General G. Norman Lieber, Washington, D.C., Professor Edmund J. James, University of Chicago, Professor Albert H. Smyth, Central High School, Philadelphia, and Professor J. H. Van Amringe, Columbia University.

LEWIS R. HARLEY.

CENTRAL HIGH SCHOOL, PHILADELPHIA,

April, 25, 1899.

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The whole earth is the monument of illustrious men. — PERICLES.

Non scholæ discimus, sed vitæ. — SENECA.

Patria cara, carior Libertas, Veritas carissima. — LIEBER.

Aristotle forever, but truth even for longer than that. — LIEBER.

No Right without its Duties, no Duty without its Rights. — LIEBER.

FRANCIS LIEBER

I

EARLY LIFE — SCHOOL DAYS — THE WATERLOO CAMPAIGN
— IMPRISONMENT — FLIGHT TO GREECE

IN the closing chapter of his "History of Germany," Wolfgang Menzel shows in an interesting manner how famine, religious persecution, and despotism have scattered the Germans far and wide over the face of the globe. These emigrants turned in large numbers to America, as a land of promise, and Menzel claims that the peasants who made their permanent home in the United States formed the flower of the German colonists in the West.¹ But this tide of emigration consisted not only of the German peasantry, who settled along our western frontier, and exposed themselves to the ravages of the Indians; the patriot, the author, the professor, and the student from the halls of the university, also found here an asylum of liberty. Thus, German tyranny added to our population a group of young men who became an intellectual power to the nation, and

¹ "History of Germany," by Wolfgang Menzel, vol. 3, p. 449.

who honored both their fatherland and America by the fruits of scholarship and a zealous defence of free institutions. Prominent among the number was Francis Lieber, the subject of this biography.

✓ [To write a biography of Francis Lieber is to tell the story of a life dedicated to the cause of liberty, by blood, word, and pen. Born in the city of Berlin, March 18, 1800, his career belongs to a period of world-important events. He received his patriotic consecration as a mere boy, and in the period of the Napoleonic wars he learned the vital importance of German unity. In defence of this principle, he shed his blood at Waterloo; while as a student he labored with great enthusiasm to promote the national feeling. When he realized at last that there was no freedom at home, he decided to become a political exile. In 1827, he came to the United States, where, as a teacher and author, he expounded the principles of constitutional liberty, and the rights and duties of the citizen in a free state.]

✓ [Francis Lieber was the tenth child of Frederick William Lieber, an iron dealer in Berlin, whose family consisted of nine sons and three daughters. The father at one time possessed considerable wealth, but he lost much of his property in the war with Poland. The grandfather had also experienced the fortunes of war, having been wounded and carried away a prisoner when the Russians pillaged Berlin in 1760. The Lieber family resided in the Breite Strasse, the scene of the terrible

struggle between the king's troops and the people in the revolution of 1848. From his earliest years, young Lieber aspired to distinction, and exhibited the wonderful enthusiasm that distinguished him throughout life. He was not especially ambitious during his first years at school, owing to a dislike for Professor Hartung, who showed his partiality and favoritism to the rich and titled scholars. His instruction in theology was given by Pastor Pauli, a man for whom he had the greatest respect. In his conduct, Lieber was wild and inattentive, trying the patience of his teachers. He became much unsettled by continually striving to win fame. His first idea was to be a second General Schill, and to this end he studied for a while in the Pepiniere, a school for the training of surgeons. He also desired to be a Linnæus, and actually began work in the Botanic Garden, near Berlin; but the cruel treatment that he received from the director of the Garden soon led to another change of occupation. Thus the boy was constantly aiming to imitate great men, a feeling which in his manhood developed into an honorable ambition to accomplish something for himself.]

At the beginning of this century, the German states had not only lost all national energy, but their conquest was threatened by Napoleon. To a youth of Lieber's ideal nature the preparations for war then being made were a strong impulse to patriotism. Prussia was, indeed, a military camp, and serious efforts were put

forth to rescue the country from the follies and vices of the preceding century. The revolutionary movements in France were followed by various forms of immorality, which swept like a pestilence into Germany, being sheltered by the new doctrines of humanism. The courts were infected, and the middle classes were rendered weak at the very time when there should have been a display of every manly virtue. Menzel says: "Good and evil advanced hand in hand, as enlightenment progressed. Men, confused by the novelty of the ideas propounded, were at first unable to discern their real value. The transition from ancient to modern times had, however, become necessary, and was greatly facilitated by the tolerance of the great sovereign of Prussia, who, notwithstanding that, by his predilection for French philosophy and his inclination toward rationalism, he at first gave a false bias to the moral development of Germany, greatly accelerated its progress. He gave his subjects full liberty to believe, think, say, write, and publish whatever they deemed proper, extended his protection to those who sought shelter within his territories from the persecution of the priests, and enforced universal toleration."¹ One writer compares the German rulers at the close of the eighteenth century to petty Neros, Caligulas, and Louis the Fifteenth. French influence prevailed on every hand. "Generally speaking," says

¹ "History of Germany," by Wolfgang Menzel, vol. 3, p. 77.

Menzel, "Paris was the sun, during all the eighteenth century, around which the petty courts and the nobility of Germany revolved. They looked to that sun for all life and light. To have gone at least once to Paris was indispensable to any one who pretended to be fashionable; but at home also everything was French, even the language. They had French maids for their children, French governesses and teachers, French fencing and dancing masters. They wore only French dresses, and they sent to Paris and Lyons enormous sums extorted from the people to pay for all kinds of articles of fashion. They had only French cooks and French hair-dressers. No court could get along without its Italian opera and its French ballet, with pretty Italian or French girls, who were generally the mistresses of the princes, of the courtiers, and of the noblemen."

This social degradation was soon followed by political reverses. On July 12, 1806, sixteen princes of western Germany concluded under Napoleon's direction a treaty, by the terms of which they seceded from the German empire, and formed the Rhenish alliance, which, it was understood, should be subject to the emperor of France. On August 1, of the same year, Napoleon publicly refused to recognize the empire of Germany; while five days later, Francis II. abdicated, and announced the dissolution of the empire. Before the close of the summer, Prussia made

an open declaration of war against France. No adequate preparations had been made for the struggle, and the Prussian army took the field without any definite plan of action. The army itself was in a miserable condition. Defeat for the Prussians was inevitable from the beginning, and after his great victory at Jena, Napoleon entered Berlin, October 17, 1806. No resistance whatever was offered, and the arsenal with five hundred pieces of artillery, the military stores, the sword of Frederick the Great, and the private correspondence of the king and queen fell into the hands of the victors. Napoleon even took down the chariot of triumph from the Brandenburg Gate, and sent it and the sword of Frederick the Great as trophies to Paris. The officials of the city displayed the most cowardly submission, and issued a proclamation containing the motto, "Tranquillity is the first duty of the citizen." The loud demonstrations in favor of Napoleon astonished him, so that he exclaimed: "I know not whether to rejoice or feel ashamed." But many of the common people looked in sadness and despair upon Napoleon's entrance into their city. [Lieber, at that time ✓ a boy of six years, lay in the window watching the French army pass the house, and he was so grieved at the disgrace that he wept aloud. Shortly after this, Lieber had the pleasure of meeting General Schill, and from this brave hero he conceived the notion of being a great soldier himself. Schill was a man to be admired,]—

handsome, impetuous, and a favorite with the people. Although wounded at Jena, he afterward formed in Pomerania a guerrilla troop of young men. He rendered valuable service to the country by stopping the French couriers and securing plunder from the enemy. When the Prussian fortresses surrendered, one after another, Schill distinguished himself in the defence of Colberg. On the evacuation of Berlin by the French in 1808, he led the Prussians into the city, and was received with an enthusiastic welcome. The people of Berlin were eager to have Schill's brave soldiers take quarters and dine with them. Lieber's father invited several home, and they talked of Colberg the whole day. The young man was determined to see his favorite hero, and his experiences are related in the *Southern Literary Messenger*, for June, 1836:—

“I had not seen Schill, the object of our wishes, but, soon after his arrival at Berlin, I began to make a heraldic collection, and it struck me that it would be a fine beginning could I place at the head the seal of Schill. So I went one day to his quarters, and told the sergeant in waiting that I wished to see Schill. I peremptorily refused to tell him my business, and after some conversation was admitted. I found Colonel Schill in the garden, shooting with the pistol at a target. He asked me what I wanted. ‘Your seal, sir,’ said I. ‘And why my seal?’ was the reply. ‘Because,’

said I, 'I love you, and wish to begin my collection with your coat-of-arms.' 'Does your father love me, too?' he asked. 'Yes,' replied I; 'all the Berlin people do.' He seemed much moved, turned toward the other officers, — while he treated me in the kindest manner, — and said something which I now forget, but the import of which may be easily surmised. He then asked me to take luncheon with them, and I remember that he helped me to a glass of wine, saying, 'Boy, be ever true to your country; here, let's touch glasses on its welfare.' I remember nothing of his appearance, except the kind expression of his large blue eyes. I was a great man among my schoolfellows the next day, and refused to exchange one of the seals, which Colonel Schill had given me, for the arms of the emperor of Austria. When the signet of the king of Saxony was added, I parted with one of Schill's, but still I thought the advantage of the bargain on the other side."

By the treaty of Tilsit in 1807, Prussia ceded half her territory and half her population, while the amount of money extorted by the French during the progress of the war exceeded one hundred million dollars. National disaster was apparently complete, but even before the close of the war serious attempts at reform were made. Stein was placed at the head of the state, while Scharnhorst was commissioned to effect the reorganization of the army. One stipulation of the treaty of Tilsit restricted the standing army of Prussia to forty

thousand men, but General Scharnhorst evaded this regulation by making successive levies, each being dismissed as soon as thoroughly trained. The material equipment of the army was greatly improved, and to raise funds for this purpose, even the women rendered valuable assistance. They contributed their jewels and wedding rings, receiving iron rings in exchange, bearing the imperial signet, "We gave gold for iron." The children also gave their aid to the cause by putting their small but precious savings into the public treasury.

Serious preparations were now being made for a general uprising against Napoleon. Every effort was put forth to produce a moral and intellectual awakening of the nation. Stein assisted in founding a secret society, the Tugendbund, or League of Virtue. After an existence of a little more than a year, the Tugendbund was discovered by Napoleon's spies, and, in 1810, the king of Prussia was compelled to order its dissolution. Stein and Scharnhorst were deprived of their offices, and favorites of Napoleon were placed in power. The rising spirit of Prussia was also indicated in establishing the University of Berlin. One of the greatest losses which befell the country by the peace of Tilsit was that of the University of Halle. Humboldt, Wolf, and Stein at once set at work to found the University of Berlin, and the institution was opened on Michaelmas, 1810, with an attendance of 458 students. [Although there had been a great outpouring of genius in litera-

ture, it appeared to be wholly indifferent to political liberty. "While storm and thunder roared so appallingly in France," says Freytag, "and blew the foam of the approaching tide every year more wildly over the German land, the educated class hung with eye and heart on a small principality in the middle of Germany, where the great poets thought and sang, as if in the profoundest peace, driving away dark presentiments with verse and prose."¹ Seeley compares the literature and culture of the time to some pernicious drug, which caused men to forget their country and their duties. Thus, the University became a necessity in order to establish a centre of influence which should be felt in every department of life in Germany. How well this work was accomplished is shown by the course of events between 1810 and 1815.

[No individual did more to arouse the national spirit among the German youth than Friedrich Ludwig ✓ Jahn, the author of the modern system of gymnastics. He was a German patriot, born at Lanz, Prussia, in 1778. In 1809 he went to Berlin, where he became a teacher at the Kölnisches gymnasium.] From patriotic motives, he established gymnasia, where young men were fitted to endure the fatigues of war. His motto was, "*Frisch, frei, fröhlich, und fromm*"; "strong, free, joyful, and pious." No French was allowed to be spoken; national songs were sung; and every effort

¹ "Life and Times of Stein," by J. R. Seeley, vol. 2, p. 77.

was put forth to make the gymnasia nurseries of patriotism. Dr. Jahn called these schools the Turnschulen, and the members wore a short black frock coat, a black cap, linen trousers, a bare neck with turned-over shirt collar. Besides gymnastics, he taught German manners, and discouraged local jealousies and provincialisms. When marching with the young Turners out of Berlin, Dr. Jahn would ask the new ones as they passed beneath the Brandenburg Gate, "What are you thinking of now?" If the boy did not know what to answer, Jahn would give him a box on the ear, saying as he did so, "You should think of this, how you can bring back the four fine statues of horses that once stood over this gate, and were carried by the French to Paris." [Lieber was brought under the influence of Dr. Jahn as early as 1811, and for a period of eight years they were closely associated. They often journeyed together into the neighboring provinces for the purpose of arousing an interest in gymnastic exercises.]

[Dr. Jahn not only taught the young men gymnastics, but he made constant appeals to their national spirit. They met in great numbers in the Hasenhaide, outside the southern gates of Berlin, attracted thither by the charm of Dr. Jahn's eloquence. His influence at this time is described in the following interesting manner by one of his fellow-countrymen:—

"Jahn inquired into the sources and reasons of the

perverseness and unnatural life of the German youth. He found in the history of the nation the springs of whatever was most noble and beautiful that a nation could boast of, but he also found that these buds of promise had not been unfolded or cherished in public life; its system of laws had been supplanted by a foreign one; its freedom had been undermined and shaken; even its language, morals, and customs had received a foreign varnish.

✓ "His attention was soon turned toward the [means of removing the evils under which his countrymen languished, and he believed they were only to be found in the education of the youth.] Much had been done for education within the last fifty years. Pestalozzi's efforts and ideas necessarily interested him above all others; but they could not satisfy him. Jahn's soul took up these ideas from a higher point; the whole youth, the whole people, must at once be taken hold of, and brought to those views.

✓ "Out of this idea arose his 'Teutsches Volksthum' ('German Nationality'), a work written in language which, in richness, power, and depth, can be compared to no other. In this Jahn drew, with a firm and masterly hand, all the [features of the purest, noblest humanity, as it had manifested itself in the strong and tender character of the German people at all times,] and pointed out the means for the preservation and further progress of their character. Through the whole work there

breathes a holy love for the people and his fatherland, for virtue and honor, for truth and justice.

“Jahn troubled himself but little whether the people understood this powerful call. Almost at the same time with the appearance of his ‘Volksthum,’ he entered actively himself into the education of the youth. Altogether independent and undisturbed, he commenced his work in sport; he began to practise gymnastics with a few boys in Berlin in 1808. The times, which were agitated by great events, conspired with his efforts; men, at whose heart lay the good of their country, helped him in every way. The German people was to be waked from its slumber; it had to learn to feel its own power, that it might again be free.”

The gymnasium became also a popular subject for poetical inspiration. The following lines on “The Gymnast’s Creed,”¹ written by the German patriot, Charles Follen, are filled with beautiful sentiment:—

Sound thunders of jubilee, storm of song !
Inspiration has kindled her lightnings ;
The oak tree of manhood, the true German tower,
In Germany once more is planted :
Liberty’s cradle, thy coffin, Oppression !
Is carved from the wood of the Gymnast’s tree.

A Gymnast is he who, with weapons and armor,
Storms over the plains and through gulfs,
On his prancing steed rushes into the waves,

¹ “Life of Charles Follen,” by E. L. Follen, p. 407.

Swings into the air, leaps into the caves,
Who knows no liberty without equality,
In whose heart only God and his country glow !

Arise, thou Gymnast ! thou German, come on !
Up, ye noble, ye warlike young men !
With crowned error truth yet is contending,
Still the devil is fighting with virtue.
Sword-blades, quit your rust ! from your skins rush, new wine !
From vapors, north wind ! Green May, from the frost !

The far-reaching influence of the University and the gymnasia became a potent force in the popular uprising against Napoleon after his defeat in the Russian campaign. On February 3, 1813, a call to arms was made, and in Berlin nine thousand men were enlisted in three days. The schools closed their doors, the students having deserted their books, in order to flock to their country's standards. "Clothing, food, and arms were still wanting," writes Charlton T. Lewis, "but the people rivalled one another in their gifts. Those who had no money brought what goods they had. Brides gave their wedding rings, and young girls their hair. Women sent their husbands, sons, and lovers, and it was a disgrace to remain behind." People of all classes now resolved to deliver Germany from the hands of its oppressors, and this determination is forcibly expressed by Carl Theodore Körner, in a letter to his father: "Germany rises; the Prussian eagle, by the beating of her mighty wings, awakes, in all true hearts, the great hope of German freedom.

My poetic art sighs for my country—let me not prove myself her unworthy son. Now that I know what happiness can ripen for me in this life—now that the star of fortune sheds on me its most cheering influence—now this is, by Heaven! a sacred feeling which animates me—this mighty conviction that no sacrifice can be too great for that greatest mortal blessing, our country's freedom."¹

The revival of poetry also did much to kindle a new zeal in the hearts of the people. A group of young poets sang of liberty and fatherland. Among this number were Körner, Arndt, Rückert, and Schenkendorf, all of whom, by their patriotism and melodious verses, inspired thousands of the German youths to take up arms against the common foe. Sentiments dear to the loyal heart in every land are expressed in the following poem by Körner, "The Last Hope":—

Why knit ye the brow, so stern and so dark,
Why stare at the night, so wild and so stark,
Brave spirits, who never should tremble?
The storm is howling, and heaving the tide,
The earth is reeling on every side;
Our trouble we will not dissemble.

The fires of hell are rising again.
Much generous blood has been lavished in vain,
Still the wicked, the powerful, glory.

¹ "The Life of Carl Theodore Körner," written by his father, and translated from the German by G. F. Richardson, p. 25.

But never despair ; your help is in God ;
 Not in vain the beginning is crimsoned with blood ;
 'Tis the day-star that rises so gory.

If once there was need of courage and might,
 Now gather all courage and strength for the fight,
 Lest the ship in the haven yet perish.
 The tiger is crouching ; ye young men, awake !
 Ye old men, to arms ! my countrymen, break
 From the slumbers of death, which you cherish.

What avails it to live, if liberty fall ?
 What is there so dear in this Infinite All,
 As our own mother country, that bore us ?
 We'll free our dear country, or hasten our way
 To the free, happy fathers, — yes, happy are they
 Who have died in the struggle before us.

Then howl on, ye storms, and roll on, thou tide,
 And tremble old earth, on every side !
 Our free spirits bid you defiance.
 The earth that we tread on beneath us may sink ;
 As freemen we'll stand, and never will shrink ; —
 With our blood we will seal our alliance.

Lieber's elder brothers, Edward and Adolf, were among the first to answer the call to arms in 1813. The departure of the young men caused great excitement in the family, and the parents, although weeping, felt proud that their sons were to bear arms in the defence of their country. * [When my brothers were gone," wrote Lieber to G. S. Hillard, "I rushed to my room, knelt down before a small press in which I had my herbarium (I was then an ardent botanist), and took

a most solemn oath, with a voice as loud as my sobbing allowed of, that I would study French, enter the French army, come near to Napoleon's person, and rid the earth of that son of crime and sin. I tell you I did it fervently, devoutly, unreservedly. I was then thirteen years old; I remember very distinctly that the idea of sacrificing two armies, while the sacrifice of one life might stop all misery, seemed to me preposterous."¹ The campaign closed with the banishment of Napoleon to Elba, and the brothers returned home severely wounded. Lieber, who listened with envy to their account of the campaign, was soon called into the service of his country. In his "Letters to a Gentleman in Germany," he relates how, after Napoleon escaped from Elba, his father one day hurried into the room, where he was studying Loder's "Anatomical Tables," exclaiming: "Boys, clean your rifles; he is loose again, — Napoleon! — He has returned from Elba."² This was inspiring news to Lieber, and after obtaining the consent of his parents, he at once made preparations to enlist. His mother, a noble German woman, declared that if she had been the mother of twenty sons, she

¹ "Life and Letters of Francis Lieber," by Thomas Sergeant Perry, p. 298.

² "Letters to a Gentleman in Germany," by Francis Lieber. Philadelphia: Carey, Lea, and Blanchford, 1834, pp. 99-126. This volume contains Lieber's "Reminiscences of the Battle of Waterloo," written at Weehawken, overlooking New York city, as he recalled the fact that he had arrived in that city seven years before "on the same day, and had put his foot on land in the same hour that, in 1815, a ball had prostrated him."

would have sent them all. One of the brothers who was wounded in the campaign of 1813, returned to his regiment, while [Lieber and another brother joined the Colberg regiment,] so named in honor of the brave defence of the fortress of Colberg in 1806. The regiment had been in more than twenty engagements during the campaign of 1813. The boys [selected it because it was stationed nearest to the frontier, and, therefore, surest to get into the fight.] Early in the month of May, they marched from Berlin to join their regiment. On the 25th of the same month, they passed in review before Prince Blücher, and Lieber longed to be tried in battle. Girls followed their lovers to the army, and in his regiment there were several who served with distinction in the ranks. Lieber first saw fire in the battle of Ligny, in which both he and his brother were wounded.

Although worn out by marching through torrents of rain and over deep roads, the young men found it a constant inspiration to be under the command of Prince Blücher. He cheered the troops with the words: "My children, we must advance; I have promised it; do not cause me to break my word." Blücher was the last general to yield in the battle of Jena. "At Pomerania," says Charlton T. Lewis, "he was seized with that passion of pain at the shame of Prussia, which at times took away his reason, so that he would dash at the flies on the wall with his drawn

sword crying, 'Napoleon'!"¹ He had a great admiration for the Colberg regiment, and as he rode by, he would exclaim: "Ah, my Colbergers, wait,—wait a moment; I'll give you presently something to do."

[Lieber's next engagement was in the battle of Namur, at the beginning of which he dropped down exhausted from the fatigue of the march. A fellow-soldier had some eggs, and gave Lieber one, which strengthened him so much that he could take his place in the line. In a few minutes he [received two wounds, one in the neck and the other in the chest, which left him a cripple for life.] In his "Letters to a Gentleman in Germany," he relates an account of his sufferings, and a dream that he had as follows: "I now fell into a deep swoon. The ideas of approaching death, the burning thirst and the fever created by my wounds, together with the desire which had occupied our minds so often during the last days of seeing once more good quarters, produced a singular dream, which was as lively and as like reality as it was strange. I dreamed that I had died and arrived before the gates of Heaven, where I presented my billet. Saint Peter

¹ "A History of Germany," by Charlton T. Lewis, p. 592.

The histories trace Blücher's descent from a noble race, which at a very early period enjoyed high repute in Mecklenburg and Pomerania. In 1271, Ulric von Blücher was bishop of Ratzeburg. A legend relates that, during a time of dearth, an empty barn was, on his petitioning heaven, instantly filled with corn. In 1356, Wipertus von Blücher also became bishop of Ratzeburg, and on the pope's refusal to confirm him in his diocese on account of his youth, his hair turned gray in one night.

looked at me, and I was admitted into a wide saloon where an immense table was spread out, covered with the choicest fruits and with crystal vessels filled with the most cooling beverages. I was transported with joy, yet I asked, 'Do people here eat and drink?' Saint Peter answered, that those who wished to enjoy those refreshments, as was probably my case, were at liberty to do so; but that those who were unwilling to partake of them felt no evil effects in consequence; life was possible there without food. I went to one of the crystal bowls, and drank in deep draughts the refreshing liquid. I awoke, and found a soldier bending over me and giving me out of his canteen what I long believed to be wine, so deliciously and vivifyingly did it course through every vein; but at a later period I happened to meet the same soldier, and learned that this reviving liquid was simply water." Lieber was carried away to have his wounds dressed in the hospital at Liege.¹ He was finally received in a respectable Belgian family, the Lesoinés, who took the most touching care of him. Returning to the regiment before he had fully recovered his strength, he fell sick with a severe attack of typhus fever, and was sent to the hospital at Aix-la-Chapelle. From here he was transferred to the hospital at Cologne,

¹ "Rufus Choate used to say that I was picked up for the exclusive purpose of being shipped to America, there to write my 'Political Ethics.'" — LIEBER IN A LETTER TO GENERAL GARFIELD, *December 10, 1870.*

where, some time after peace had been declared, he was fully restored to health. His arrival home was a surprise to the family, who had given him up for dead. His personal effects consisted only of a dog, that had gone through the Waterloo campaign, where it lost the end of its tail by a ball. But he had grown rich in experience, and he became an enthusiastic advocate of liberty and German unity.

[At the close of the Napoleonic wars, the students who had fought in the volunteer service returned to the gymnasia and the universities, where they took up their studies with a new zeal. They had received a fresh consecration on the battlefield, and were prepared to resist tyranny in every form. Lieber entered the Gray Cloister gymnasium in Berlin, and came again under the influence of Dr. Jahn.] The Turners increased very rapidly in numbers after the downfall of Napoleon, and Dr. Jahn, their leader, began to arouse the suspicions of the government by his zeal for freedom.

[The doctrines of the French Revolution gave a strong impulse to free political thought in Germany. A new constitution, derived from the freshness of nature, was advocated. While this was, in some respects, a return to the *contrat social*, it implied, however, a modification according to German forms.] Three weeks before the battle of Waterloo a royal decree was published in Berlin, which announced that a constitution should be formed, and that a national assembly

should meet as the representative body of the people. After the battle of Waterloo this promise was not only forgotten, but a vigorous policy of reaction began. [The ancient empire was replaced on June 8, 1815, by a German confederation of thirty-nine states.] The eleven states of first rank alone held a full vote, the secondary states merely holding a half or a fourth part of a vote; as, for instance, all the Saxon duchies collectively had one vote. In constitutional questions relating to the confederation the six states of highest rank were to have each four votes; the next five states three votes; Brunswick, Schwerin, and Nassau each two votes, and all the remaining states each one vote. Austria was to hold the permanent presidency. [This constitutional system meant that Germany had simply changed rulers. While the despotism of Napoleon had lasted fourteen years, that of Metternich was to be endured for thirty-three years.] "The despotism of Napoleon," writes Colonel G. B. Malleon, "was the despotism of the conqueror who had swept away the old system, and who terrorized over its former supporters. The despotism of Metternich, not less actual, used as its willing instruments those very supporters upon whose necks Napoleon had placed his heel. [His system was the more dangerous to human freedom because it was disguised."]¹ To the German Confederation Metternich added the Holy Alliance as a means of suppressing all

¹ "Life of Prince Metternich," by Colonel G. B. Malleon, p. 2.

demands for popular government. The machinery of oppression was now apparently complete, and the most determined efforts were made to crush the spirit of liberty.] Görres, in the *Rhenish Mercury*, made loud complaints against the government for entirely ignoring the liberal party.¹ In July, 1815, the *Mercury* was placed under the care of a censor, and a year later it was suppressed, while Görres was threatened with the house of correction. Shortly after the peace of Paris in 1815, Privy-Councillor Schmalz endeavored to create a prejudice against the patriotic movement by sending to the king a memorial entitled: "What have we to fear or to hope from Secret Political Associations in Germany?" The author of this pamphlet made a base effort to spread a reactionary sentiment. He claimed that these societies were similar to the Tugendbund, which was dissolved in 1810; and that they threatened the tranquillity of the state, and even its very existence, by the most alarming intrigues. Schmalz evidently forgot that, at one time, the fore-

¹ Joseph Johann Görres, a distinguished writer on religious, political, and scientific subjects, was born at Coblenz, January 25, 1776. His sympathies were, from the first, with the revolution. His first political tract was entitled "Universal Peace, an Ideal." He then commenced a republican journal, *Das Rothe Blatt*. In 1806 he removed to Heidelberg, where he lectured in the University. After the battle of Leipsic he sought to arouse the people through the *Rhenish Mercury*. After the suppression of this paper Görres became a political pamphleteer. His pamphlet, "Germany and the Revolution," was suppressed. He was ordered arrested, but escaped to Switzerland. He died July 29, 1848.

most men of Prussia had belonged to the Tugendbund, and that this body had been a power in the war against Napoleon.

The desire among the students for German unity was clearly shown by the organization of the Burschenschaft (students' league) in the universities in 1816. In ancient times, Germany was considered an aggregate of four lands, or leading provinces; namely, Saxony, Bavaria, Swabia, and Franconia. The students in the universities were divided into associations called Landsmannschaften (countrymanships). These associations finally degenerated; false notions of honor existed; duels were frequent, and the few tyrannized over the many. At the time of the wars of liberation, these sectional unions were so corrupt, that the Burschenschaft, or union of all the students, was formed. A court of honor, known as the Ehrenspiegel, was established in the Burschenschaft, empowered to settle all differences according to the rules of morality and justice. A good idea of the power of the Burschenschaft may be formed from the account of the general celebration which took place October 18, at the Wartburg. The object was to celebrate at the same time the battle of Leipsic and the Reformation. More than five hundred young men from the different universities were present, and Professors Fries, Kieser, and Oken, of Jena, also took an active part in the exercises. The black, red, and yellow tricolor, the ancient colors of the empire, was raised for the first

time on this occasion. The glories of the past were recalled, and plans for future action were discussed.

The exercises connected with the celebration were brought to a close in the evening by consigning to the flames a copy of Schmalz's famous pamphlet, the police codex of Kamptz, and Kotzebue's German History. The government was now thoroughly alarmed, and preparations were made to take severe measures against the press and the universities. An article written by Alexander Stourdza, of Moldavia, on the situation in Germany, was circulated at the Congress of Aix-la-Chapelle in the autumn of 1818. This pamphlet caused the greatest excitement, both from the fact that it was written at the command of the Czar of Russia, and because it made a direct attack on the press and the universities. While Stourdza's article reviewed various social evils of that day, he was particularly bitter in his denunciation of the German universities.¹ The young men at Jena arose in a spirit of indignation, and two of them challenged Stourdza to fight a duel. He fled from Weimar, acknowledging that he had written the article at the command of Alexander of Russia.

The Czar of Russia now determined to carry still further his policy of interference in German affairs. In 1817, he sent the Russian state-councillor, Augustus von Kotzebue to Weimar, to act as a spy, and gather

¹ "Life and Times of Stein," by J. R. Seeley, vol. 2, p. 442.

information concerning the liberal party. Kotzebue, although a native of Weimar and educated at Jena, spent many years of his life in the service of Russia. He was a dramatist of considerable ability, but his moral principles were lax, and in his writings he sought to encourage the license of the day. In 1813, he returned to Weimar, but soon made his permanent residence at Mannheim. He continued to receive a large salary from Russia, and in return he acted the despicable part of a spy upon his fatherland. In his paper, the *Literary Weekly*, he turned to ridicule the principles of the liberal party, "and exercised his powers of wit upon the individual eccentricities of the students affecting the old German costume of precocious boys and doting professors."¹ He also sent secret despatches to St. Petersburg, filled with suspicions against the universities; but when he openly approved Stourdza's memorial, the abhorrence of his character aroused the German youth to a definite plan of action. The Burschenschaft at Jena was often called the "Uncompromising," because its members had sworn to carry out uncompromisingly the principles of truth and justice. Karl Ludwig Sand, of Wunsiedel, was a member of this body, and he was pursuing his studies at Jena, when the feeling against Kotzebue reached its height. Sand was a young man of noble character, and he possessed great

¹ "History of Germany," by Wolfgang Menzel, vol. 3, p. 374.

religious zeal. In brooding over the wrongs of his country, he thought himself called upon by Providence to put an end to Kotzebue's life. He recalled how Frederic Staps, after Austria's downfall, had made an attempt upon Napoleon. Sand himself, like young Lieber, had once vowed to take Napoleon's life, and he now regarded Kotzebue as a proper victim of revenge. On March the 23d, 1819, he went to Mannheim to carry out his resolution. He reached Kotzebue's house late in the afternoon, and after an exchange of greetings, thrust a dagger into his heart, crying, "Take that, thou traitor to the fatherland!" He then stabbed himself and rushed out of the house, exclaiming, "Long live my German fatherland!" Kneeling down in the street, he stabbed himself a second time, uttering the prayer, "I thank thee, God, for this victory!" His wounds were tended with the greatest care, and he so far recovered as to suffer the penalty for murder. On May 20, 1820, he was beheaded at Mannheim in the presence of many university students, who dipped their handkerchiefs in his blood.

During these years of excitement, Lieber also suffered for the cause of liberty. From his earliest years, his father's house had been a favorite place for the meetings of the patriots. There, as a mere boy, he and his companions had formed a secret association, in which every member had to cut his finger and sign

his name with his own blood.¹ The followers of Jahn continued to meet at Lieber's house, and a number of them published a book of songs entitled, "Lieder für Jung und Alt." This work aroused the suspicions of the government, and after the murder of Kotzebue, the arrests of teachers and students became frequent occurrences. The Carlsbad decrees of October 18, 1819, placed a censorship over the press, appointed a commission at Mayence for the investigation of political intrigues, abolished the Burschenschaft and the gymnasia, and placed the universities under the inspection of government deputies. Dr. Jahn was arrested in July, 1819, on the charge that his schools were liberal and political clubs. Taken from his dying child, he was imprisoned successively in Spandau, Küstrin, and Colberg. He was liberated after a confinement of five years; he then went to Freiburg, where he was a professor for many years. In 1848, he was a member of the national assembly at Frankfurt. On August 2, 1872, a monument to him was unveiled on the Hasenhaide, the old Turner grounds, near Berlin. Lieber's arrest occurred a few days after that of Dr. Jahn, and he was charged with being an enemy of the state. His papers were all seized, and several foolish political essays were found, but nothing to convict him of criminal acts. After four months' imprisonment he was released, and the officials informed

¹ "Life and Letters of Francis Lieber," by Thomas Sergeant Perry, p. 3.

him that, although he had not been found guilty of any punishable acts, he could not be matriculated in any Prussian university, and could never receive an appointment under the government. He was also prohibited from entering the other German universities, with the exception of Jena, where he remained for some time, receiving the degree of doctor of philosophy in 1820. He was immediately ordered away from Jena by the Minister of Instruction, and the next year was spent in the study of surveying at Halle and Dresden. Referring to this period of his life, he wrote in 1868; "I have this very moment read in the German papers that Bismarck said in the Chamber the very thing for which I was hunted down in 1820 and 1821."

[Lieber's residence in Dresden was very brief on account of the uprising of the Greeks against the Turkish yoke in 1821.] The revolt against despotism became general throughout Europe. "From the mouth of the Tagus," writes Professor Wilhelm Müller, "to the Neva and the islands of the Grecian Archipelago all was effervescence and fermentation, and hot streams of national exasperation were poured upon those feudal dynasties which 'had forgotten nothing and learned nothing.'" The Germans, suppressed at home, entered into the cause of the Greeks with the warmest enthusiasm. Unions were formed in Germany, and many young men, including profes-

sors, students, and tradesmen, gathered at Marseilles, there to embark for Greece. [Lieber determined to join a party of Germans who were about to offer their services to the Greeks.] His difficulties in leaving Germany are related as follows, by Judge Thayer: "It was impossible for him to obtain a passport for any length of time, and particularly for a journey to France, yet he had to make his way to Marseilles, where he intended to embark for Greece. He took, therefore, a passport for a journey to Nuremberg, and for the short period of a fortnight only. Once in possession of it, he emptied an inkstand over the words which declared it to be limited to so short a space of time. He then had it signed in every small place on his route to Nuremberg, so that, to use his own words, 'it finally looked formidable enough.' Arrived in Nuremberg, he accounted for the defacing inkblot by the awkwardness of a police officer, and had the paper signed for Munich. There he chose a time when the chief officer of the legation had gone to dinner, and had it further signed for Switzerland, pretending to be in a great hurry. He travelled on foot through Switzerland, and thence to Marseilles. In this manner and by such shifts did this great historical scholar, this profound writer upon the laws of nations, this great philosopher who explained and illustrated the nature of civil government and the origin and meaning of laws, whose works have been

of incalculable benefit to liberty and have added so many new ideas to political science, escape from his native land."¹ Reaching Marseilles in December, 1821, he joined a motley crowd of Germans, Danes, Poles, French, and Italians. The German societies furnished a small vessel, and on January 10, 1822, they sailed from Marseilles, armed with daggers, pistols, swords, and guns. The vessel sailed very fast, and on January 20, the hills of the Peloponnesus were in view. The next day the port of Navarino was reached, where they landed amidst singing and the firing of muskets. Lieber's experiences in Greece were the most bitter of his life. "All came," writes Colonel Napier, "expecting to find the Peloponnesus filled with Plutarch's men, and all returned thinking the inhabitants of Newgate more moral." Lieber's party were refused food and shelter, and they were compelled to sell their clothing and watches to obtain money for their journey. On the way to Tripolis they passed by a robbers' den, where sixty armed peasants took their horses. After journeying through the country and visiting several Greek towns, Lieber became so disgusted with the miserable condition of the people that he reached the following conclusions: 1, that the cowardice and incapacity of the Greeks made them unfit to defend or free their country; 2, that no individual, not even an experienced commander, could

¹ "Lieber's Miscellaneous Writings," vol. 1, p. 18.

assist them; 3, that a small army, properly equipped, might scour the whole country and rescue it; 4, that by this means the country might be preserved to Christianity.

II

LIFE IN ROME — RETURN TO PRUSSIA — DEPARTURE FOR ENGLAND

DISAPPOINTED with his experiences in Greece, and unable to procure the means for subsistence, Lieber resolved, in March, 1822, to return to his native country. At Missolonghi, rendered immortal by the name of Lord Byron, he took passage in a small vessel bound for Ancona, on the shores of the Adriatic in Italy. After a stormy voyage, he entered the port of Ancona on Easter eve, with but a scudo and a half in his pocket. As a death had occurred on the ship soon after entering the port, he was held in quarantine for forty days. Having no means to defray the quarantine expenses, and fearing that he should be obliged to pay the captain by serving on board the vessel, he at once wrote for assistance to an old fellow-student who had gone to Rome to study art. Lieber's friend received the letter, and at once forwarded all the ready money that he possessed. On being released from quarantine, a fresh difficulty arose on account of the gap in his passport. On his journey from Dresden to Marseilles, where he

embarked for Greece, he had been given a provisional passport on the French frontier, while his regular papers were forwarded to Paris. His difficulties were increased by an order from Rome charging the officials not to endorse the passport of any traveller from Greece, except for a direct journey home. The police-officer at Ancona, therefore, refused to sign Lieber's papers, and he exclaimed to the officer, "Would you prevent me from seeing Rome?" The officer replied: "You see, *carissimo mio*, I cannot do otherwise. You are a Prussian, and I must direct your passport home to Germany. I will direct it to Florence; your minister there may direct it back to Rome. Or I will direct it to any place in Tuscany which you may choose; for through Tuscany you must travel in order to reach Germany." Lieber now despaired more than ever of seeing the Eternal City, but glancing at a map of Italy, he found that the southwestern border of Tuscany approached to within a few miles of Rome. Pretending that he had a friend at Orbitello, a city of Tuscany, he induced the officer to direct the passport to that city. A coach was hired, and he made a hurried departure from Ancona. He was compelled to inform the coachman that his real destination was Rome, and not Orbitello; and by paying a small sum, all objections were overcome. When near Rome, Lieber left the coach; passed the sentinels in safety, and succeeded in finding the

friend who had come to his assistance with money, while at Ancona. But he could not long enjoy the wonders of Rome without permission from the authorities; and this was to be obtained only by means of a certificate from the Prussian minister. He now determined to call on the minister, Niebuhr, and make a frank statement of his misfortunes and difficult position. He thought that "a scholar who had written the history of Rome could not be so cruel as to drive me from Rome without allowing me time to see and study it." Niebuhr resided in a magnificent palace on the remains of the theatre that Augustus had built and dedicated to Marcellus. Lieber's heart almost failed him as he approached this historic site. He had never met Niebuhr, and now he was to be brought into his presence in a most forlorn condition. His appearance was anything but prepossessing, as he describes it in his "Reminiscences": "My dress consisted, as yet, of nothing better than a pair of unblackened shoes, such as are not unfrequently worn in the Levant; a pair of socks of coarse Greek wool; the brownish pantaloons frequently worn by sea-captains in the Mediterranean; and a blue frock-coat, through which two balls had passed—a fate to which the blue cloth cap had likewise been exposed. The socks were exceedingly short, hardly covering my ankles, and so indeed were the pantaloons; so that, when I was in a sitting position, they refused me the charity of meet-

ing, with an obstinacy which reminded me of the irreconcilable temper of the two brothers in Schiller's 'Bride of Messina.' "

Lieber was most kindly received by the minister, and through him the necessary permission was obtained to reside in Rome. Niebuhr also loaned him a sum of money, from a fund, placed at his disposal by Prince Henry, for the relief of their countrymen who might return from Greece. He was invited to dine with Niebuhr and his family, and he felt greatly embarrassed, as his naked extremities were exposed to the remarks of the children. Niebuhr took a great interest in the young man, and they spent hours in conversation. The library was placed at Lieber's disposal, and he often returned burdened with books, much to the amusement of his benefactor. He soon became a daily visitor to the palace, and one day Niebuhr invited him to take up his residence in the family, and assist in the education of his son, Marcus. This invitation was accepted, and it proved to be the most important step in Lieber's career. He often remarked that he owed to Niebuhr a much more correct view of antiquity, and through him he learned that "the same springs of action were applicable in modern and in ancient times." His new position seemed to be profitable both to himself and to Niebuhr, as the latter describes with charming interest in his "Memoirs": "A young man has lately arrived, a Mr. Lieber, of Berlin, who had gone

to Greece as a volunteer, and has returned, partly that he might not die of starvation, partly because he found the boundless corruption of the Moreans, and, withal, their cowardice, insufferable. His veracity is unquestionable, and the horror which his narratives inspire is not to be described. All this has plunged him into deep melancholy, for he has a very noble heart. He has deeply moved and interested us, and we are trying to cheer his spirits by friendly treatment, and to banish from his thoughts the infernal scenes which he has witnessed. [He is one of the youths of the noble period of 1813 (when he served in the army and was wounded) who lost themselves in visions, the elements of which they drew from their own hearts; and this terrible contrast between his experiences and all that he had imagined—all that impelled him into distant lands—has broken his heart.] He is now here in a state of destitution. I shall at all events give him aid; but I mean to propose to him, in the first instance, to come to us and assist us in instructing Marcus, and in my literary work."

In after years, Lieber often said that his life had been made up of many geological layers. Of these, no doubt, his residence in Rome was one of the most important. [In Niebuhr's house, he wrote his first book, the "Journal of my Residence in Greece," and he frequently remarked, as he recalled that time, "I feel as if I were writing of some creature in the plio-

cene period.”¹ To the student, there is no privilege equal to that of daily companionship with a rarely gifted man. Compared with this, schools and courses of study sink into utter insignificance. To inspire young men with high ideals and with correct views of the world, should be the great ambition of every teacher; but few, indeed, are able to rise above the duties of routine instruction. During his residence in Rome, Lieber enjoyed advantages such as the schools and universities cannot offer. He had at his disposal books and the treasures of art; but, above all, he had with him the minister and great historian, who showed at all times the most fatherly interest. While every scholar has longed to see Rome, but few have been able to dwell there with a Minister of State, whose labors had already exercised a powerful influence upon human science. Niebuhr was born in Copenhagen, in 1766, and he was educated in the University of Kiel. According to Lieber’s account of the historian, he was very thin and small in stature. His voice was high-pitched. His sight was very poor, and spectacles were so indispensable to him, that once having left his “Dollands,” Lieber was obliged to make a day’s journey to get them. He lived frugally and drank

¹ “This work was translated into Dutch, with the tempting title of the ‘German Anacharsis,’ with a fancy portrait of the author. The Dutch publisher sent a box of very old Hock to the author as an acknowledgment of the profit he had made out of this involuntary Anacharsis.” — SOUTHERN LITERARY MESSENGER, vol. 22, p. 366.

only wine and water. He shaved himself, walking up and down the room, talking the while when there was no one present. He was an habitual snuff-taker, but smoking was very offensive to him. He could study and write amidst any noise and confusion. Rolling on the floor with his children was a frequent indulgence, and in all things his simplicity was great. His capacity for the languages was remarkable. In 1807, his father wrote: "My son has already learnt the following languages, — German, Latin, Greek, Hebrew, Danish, English, French, Italian, Portuguese, Spanish, Persian, Arabic, Dutch, Swedish, Russian, Slavonic, Polish, Bohemian, Illyrian. With the addition of Low German, this makes in all twenty languages. Forgive this effusion of my heart concerning my son. I did not mean to boast of him."¹ His memory was remarkable, and a great part of the Greek and Roman poetry had imprinted itself so indelibly in his mind that he could recite hundreds of verses without stumbling. Even in his later years, he retained every poem which appealed strongly to his heart. In conversation with Lieber, he once said: "Without a strong memory, I never should have been able to write my history, for extracts and notes would not have been sufficient; they would again have formed an inaccessible mass,

¹ "The Life and Letters of Barthold George Niebuhr, with Essays on His Character and Influence," by the Chevalier Bunsen and Professors Brandis and Lorbell, p. 42.

had I not possessed the index in my mind." Niebuhr's residence in Rome gave him an intimate knowledge of the relics of the ancient city. On one occasion, while passing through Verona to Rome, he discovered in the Cathedral library of the former city, the "Institutions" of Gaius. He also spent much time in Rome in an accurate examination of the manuscripts of the ✓ Vatican library. [At the time that Niebuhr conceived the idea of writing a history of Rome, classical philology and politics began to exert a great influence on historiography. Historians began to examine more carefully the genuineness of the sources of history. They realized, also, that in the history of a state, the chief stress should not be laid on wars, and the personal relations of princes, but on the growth of its form of government and constitution. Niebuhr placed the Roman constitution in the very foreground of his picture. His extensive knowledge of the languages enabled him to make the most careful examination of the sources of history. He took great delight in applying the knowledge that he gathered, and he loved science wherever it appeared.]

2. - [This was the Rome that Lieber enjoyed.] He could now well forget the disappointments of earlier life, for a larger and more beautiful world had been opened to ✓ his view. [But Niebuhr resigned the embassy at Rome in March, 1823, and Lieber's ties with the family of the historian were soon to be broken.] They left Rome

in May, and journeyed together through Florence, Pisa, and Bologna, and then to the Tyrol. At Innspruck they parted, Niebuhr to pass some time in the libraries of Switzerland, and Lieber to journey alone toward Berlin. Throughout life Lieber held the memory of Niebuhr in the profoundest veneration, and erected a monument to him in his "Reminiscences," published in 1835, after he had made his home in America. In the dedication of the volume to Mrs. Austin, Lieber wrote: "I could not have graced with your name any pages dearer to me, though painfully dear, I own — leaves written in the greatest of cities, and under the roof of my best friend, now perused in distant America, he dead, and I in exile. I felt as if I walked through an Italian garden, charming, indeed, with perfuming flowers and lovely alleys and fountains, with the luxuriant trees of the South in blossom, the fragrant orange and the glowing pomegranate, and with vistas far and wide to the distant deep blue mountains. But I felt, too, as if I walked alone in it. With all these joyous colors of bright spring around me, and the cloudless azure vault above me, I felt the grief of loneliness, and every spot reminded me of him, and what I owe him."

Travelling on foot through Erlangen, Stuttgart, Nuremberg, and Dresden, Lieber finally reached Berlin on August 10, 1823. His experiences in Greece and the year spent in Rome had wrought a great change

in him. He had become quieter; had cultivated a taste for the fine arts, and was writing many poems. His boyish enthusiasm had given way to the love of more serious intellectual pursuits, and on reaching Berlin he at once determined to resume his studies in the University. It will be remembered that, before going to Greece, he had been prohibited from studying in Prussia. It became necessary for him, therefore, to secure this permission from the authorities of the state, and it was not until after frequent petitions had been made that his request was granted. His aged parents had been reduced to privation by the loss of property during the Napoleonic wars, and he was compelled to ask the state for aid in carrying on his studies. From a fund set aside for needy students, he was given a small sum, and he at once began a course in trigonometry and ✓ calculus in the University under Dr. Ohm. But Prussia still continued under the paternal system, and the movements of the people against tyranny in Spain, Italy, and Greece created an influence that was deeply felt throughout all Germany. Prince Metternich continued his policy of oppression, and the Holy Alliance was used by him as an instrument for this purpose. At the Congress of Verona in 1822, the revolt of the Greeks was treated as rebellion against legitimate authority, and the uprising was discouraged. The Carlsbad resolutions, establishing a censorship over the press and the universities, were endorsed, and in Decem-

ber of that year a Secret Committee of Inquiry, composed of three members, one from each nation, was appointed to detect and arrest the so-called conspirators of central Europe. [Although Lieber had conducted himself as a peaceable citizen since his return to Berlin, he was closely watched by the police.] Various secret clubs, such as the Jüngerbund and the Burschenschaft, still existed among the students in the universities, and the patriots believed that these societies were calculated to restore the former greatness of Germany. These clubs were looked upon in distrust by the government, and on February 12, 1824, Lieber was summoned to appear at Köpenick, a small town eight miles from Berlin. He was wanted merely as a witness, but he was glad to be released, and he made every effort to be transferred to another university. He first sought permission to continue his studies at Bonn, but in May, 1824, he was sent to Halle. The police followed closely in his path, and [in August of that year ¹⁸²⁴ he was arrested and imprisoned at Köpenick, not for any misdeeds, but for refusing to give to the officials certain information that he possessed.] The year 1824 was particularly noted for the large number of arrests among the student body; but not satisfied with this, Prussia issued a decree prohibiting her subjects from visiting foreign universities, especially the University of Basle, to which many German students had formerly resorted. The tyranny

of Prussia, encouraged by the Holy Alliance, was directed not only against the students, but many of the lecturers and professors suffered as well. A case of pathetic interest was that of Charles Theodore Christian Follen. The son of Christopher Follen, he was born in Romrod, September 4, 1796. He was educated at the University of Giessen, served in the Napoleonic wars, and returned to the University in 1817, to take the degree of doctor of civil law. The next year he was elected lecturer on pandects at Jena. He was arrested on suspicion of complicity with Sand in the Kotzebue murder, but, being acquitted, he returned to Giessen. Here he incurred the dislike of the government through his liberal ideas in politics, and in 1820, he was compelled to take refuge in Paris. But France soon expelled all foreigners, and Dr. Follen went to Zurich, where he became professor of Latin in the Cantonal School. From here he proceeded to Basle, to become professor of civil law. But he was marked by the powers. On August 17, 1824, three notes were received by the authorities at Basle, from Prussia, Austria, and Russia, demanding him to be given up to the tribunal of inquisition which the king of Prussia had established at Köpenick. Dr. Follen escaped to America and located in Boston. He became instructor in German at Harvard, and in September, 1826, he took charge of the new gymnasium which had just been established in Boston. Dr. Follen was

a disciple of "Father Jahn," and an intimate friend of Dr. Charles Beck, who was the first instructor of gymnastics in America, having in 1825, established physical culture in the Round Hill School, Northampton. It was the original intention of Dr. John Warren and the other supporters of the gymnasium in Boston to place it in charge of "Father Jahn," but he was unwilling to come to America. Dr. Follen also took charge of the gymnastic exercises in Harvard College; but, in 1827, he resigned his position in the Boston gymnasium, and, by an interesting coincidence, he was succeeded by Lieber. The same year Dr. Follen began the study of theology under Dr. Channing, and in 1828 began to preach. Three years later Harvard made him professor of German literature;¹ but his zeal in the anti-slavery movement created a prejudice against him, and in 1834, the chair was abolished. In 1836 he was ordained as a Unitarian minister, and in 1840, while on a trip from New York to Boston, he lost his life by the burning of the steamship *Lexington*. He honored Harvard with his learning and his writings, just as Lieber afterward increased the fame of two of our American colleges.

[Lieber, confined in prison at Köpenick, was, like-✓

¹ German had never been taught in the College before Dr. Follen's connection with it, and after difficulty a class of eight was formed. Dr. Peabody, in his "Harvard Reminiscences," claims that there were but very few persons in New England at the time who could read German.

wise, soon to flee for refuge to America.] His friend and benefactor, [Niebuhr,] had returned to Bonn, and he at once made a personal effort to have the young man released. [Four times he petitioned the king, and he also visited Lieber in prison in order to comfort him. Late in April, 1825, after numerous promises and delays, he was set free. But there was no freedom for him in Prussia. He could not leave Berlin, even on a visit, without permission from the police, and to journey into a neighboring state, he first had to obtain the consent of the tribunal of inquisition at Köpenick.] In the brief intervals, when not hounded by the police, Lieber enjoyed the charms of Berlin society, and he spent much of his time with the literary people. He counted among his friends, Chancellor von Hitzig, E. T. W. Hoffmann, the family of General von Schack, and Henrietta Herz. He tried to gain a livelihood by writing and teaching, and was a tutor for some time in the family of Count von Bernstorff. [Prison life had no effect upon his cheerful disposition. He spent the time in reading Shakespeare and Goethe, and in writing poems of love and liberty.] He often referred to the days spent in the Bastille at Köpenick, as a period in which enjoyment was the chief element of his intellectual life. [He was much influenced at this time by Goethe, and he once remarked that the more his youth had been guided by the ideas of sacrifice for others, the more he plunged into the idea of the day,] of the

hour. In 1826, a number of the poems which he had written as a prisoner, were published, under the title of "Vierzehn Wein- und Wonne-lieder, by Arnold Franz."

[Early in the year 1826, Lieber began to think seriously of leaving Germany. In February, he took up the study of the English language, and a few weeks later he made a farewell visit to a married sister residing at Züllichau. "Fatherland," in all the ages, has been a sacred word. With the Greeks, their native land was holy, for the gods dwelt there. In modern times, the word suggests a thousand affections and influences, and to break the ties of country must plunge the soul into the deepest anguish. Lieber, who afterward wrote so beautifully of the nature of modern patriotism in his "Political Ethics," passed through this experience as the ties of home and country were severed. But like the ancients, he loved the fatherland for its favors, and he loved it also for its severity. Before taking the final step, he, therefore, made one more effort to secure permanent employment at home. Niebuhr again came to his assistance, and addressed a letter of recommendation to Count Bernstorff, the Minister of Foreign Affairs.

For some reason, Lieber never presented this letter to Count Bernstorff, and it seems that he was now ready to carry out his plan of leaving Germany. [On May 17, 1826, he left Berlin with his brother Edward.]

unknown to the other members of the family. They journeyed to Hamburg, and from thence to Eppendorff and Blankenese, reaching the latter place on May 21. The next day he boarded the ship *Perseverance*, and on May 26 arrived at Gravesend. He at once proceeded to London, where he experienced the hardest time of his life, "doing uncongenial work, and physically laboring like an American army mule." He spent much time in visiting the art-galleries and museums, and in studying the Lancastrian Schools. He gained a livelihood by writing, and by teaching at six shillings a lesson. His students came from the most prominent families, among them being the children of Mrs. Samuels, Rothschild's sister. He also taught at the residence of Mr. Oppenheimer, giving Italian lessons to the daughter Matilda, whom he afterward married. While Lieber resided in London, University College was in course of organization, and he intended to apply for the chair of the German language. He wrote to Germany for testimonials, and Niebuhr promptly responded, enclosing a warm letter of recommendation. He reminded Lieber, however, that the competition would be great, and that he would probably be unsuccessful in his application. He advised him to become acquainted with Lord Brougham, and, if possible, to meet Mr. Grote. Niebuhr had no exalted opinion of the new University, claiming that it was erected by political elements belonging to an age gone by, and that

its warmest friends were violent political economists, who restricted their interest to the physical welfare of the people. Before Lieber could make a formal application for a professorship in the University his plans were again changed. About this time he became acquainted with Mrs. Austin, the authoress, who introduced him to Mr. John Neal, an American, residing in Portland. Lieber now began to think of going to America. He gave the subject serious attention, when he [learned that Dr. Bond, of Boston, was in London looking for a teacher in gymnastics.] The resignation of Dr. Follen as director of the Boston gymnasium, early in 1827, led at once to a correspondence with Lieber in reference to the position. With this bright prospect for the future in view, he at once decided to [accept the place, and early in June of the same year he took passage for New York.] [Before embarking for America he wrote to Niebuhr, describing his plans. Niebuhr approved of his resolution, and urged him to go, at the same time advising him] "Only beware that you do not fall into an idolatry of the country, and that state of things which is so dazzling because it shows the material world in a favorable light. You are able to do this if you will be watchful over yourself; you have judgment and philosophical tact enough to protect yourself. Remain a German, and, without counting hour and day, yet say to yourself that the hour and day will come when you will be able to re-

*he should remain
a German
that*

✓ turn." Niebuhr also urged with great emphasis that he should write no political dissertations and generalities. But Lieber disobeyed the advice of his old friend, for he became an American citizen as soon as possible; while his greatest fame rests upon his political writings. Although he heeded not the entreaty in Schiller's "William Tell,"

"Cleave to thy fatherland, thy country dear,
And with thy whole heart cling thou closely to it.
For rooted in thy country is thy strength ;
Away in yon strange world, thou stand'st alone,"

he yet loved his native land ; but he became an American by choice, seeking a refuge here because persecuted for liberty.

III

LIEBER'S ARRIVAL IN AMERICA — EIGHT YEARS OF STRUGGLE — PROFESSORSHIP IN SOUTH CAROLINA COLLEGE

“NEVER in the history of the world has so much wisdom and humanity been shown as in their civilization. Each new colony has been received into the Union as soon as it had the required number of inhabitants, and allowed the same rights as the older ones. This proves that they are free from jealousy and tyranny, and that they are ruled by just laws. I know no people who show more love for all that is noble. No nation has ever made such rapid progress.”¹ Thus wrote Lieber at sea, on June 10, 1827, while on his way to America. Although he did not expect to find a paradise in the New World, he regarded this as a land of promise where civilization was making her home; and he looked forward to the prospect of an active life, and an opportunity to make an honorable use of his talents. Landing at New York on June 20, he at once journeyed to Boston. Through the kind words of Dr. Follen, he was favorably known before arriving here.² Dr. John Warren

¹ “Life and Letters of Francis Lieber,” by Thomas Sergeant Perry, p. 70.

² On July 8, 1827, Lieber wrote to Miss Oppenheimer: “It appears that the testimonial Niebuhr sent me when I thought of applying for a professorship

received him at Boston with a cordial welcome, and his first impressions of our country were of a most exalted character. He attended the Fourth of July celebration, where he met the governor and other state officials. A procession was then formed, composed of the governor, lieutenant-governor, the senate and representatives, the faculty and students of Harvard College, and invited guests. They marched to the Old South Church, to hear the oration, after which they returned to the State House, where a collation was served. Lieber was asked by the governor to give a toast, and he proposed, "Liberty to all the civilized world." A gentleman then honored him by giving, "The Germans, who, although not yet enjoying liberty, have nevertheless been the pioneers of liberty,—the inventors of the art of printing." What a contrast this scene afforded to the zealous advocate of liberty, who for this cause had suffered in the prison cell at Köpenick! While in Germany it was looked upon as a crime for an individual to express a sentiment of freedom, in America he saw a great people rejoicing on their natal day, and blessing the memory of their heroes. It is no wonder that he wrote at this time: "How is it that the Europeans pride themselves on their historical development? Let them

at the London University, and which I had fortunately sent to Follen, that he might show it to others if he thought proper, and let them see what manner of fish they had caught, has made a great impression."

come here, and they will find far more of real living history than on the old continent, where institutions are changed at the arbitrary will of some powerful monarch or his ambitious minister. The law reigns here. Every citizen honors it as his birthright. He knows that it is necessary, and abides by its mandates."

[Lieber at once entered upon his duties in charge of the Boston gymnasium.] He brought with him to America a strong testimonial from General von Pfuël, who had established a number of swimming schools in the German cities. This letter spoke of Lieber's ability to conduct a swimming school successfully, and he soon added this feature to the gymnasium. The success of the enterprise was assured from the start. The swimming school was visited by the mayor and other prominent citizens of Boston; while on one occasion, President Adams came to examine Lieber's plan. He praised the school, expressing the wish that there were many such establishments in the country, as he had never found greater refreshment after mental exertion than from swimming.

[The swimming school having closed for the season in September, Lieber found himself in a strange land without any permanent employment.] [Before coming to America, he had written to Niebuhr, expressing his wish to become correspondent to the best German papers. Niebuhr at once communicated with Baron

Cotta,¹ and made known the desires of his young friend. The Baron gave the matter a favorable reception, and offered a list of seven papers to which Lieber might correspond, the most important being the *Allgemeine Zeitung*.² In a letter to Lieber, on September 12, 1827, Niebuhr gave specific directions in regard to the nature of the correspondence, stating that it should include extensive statistical and ethnographic accounts, moral and personal relations, political events and legislative acts, and descriptions of the neighboring British provinces, and the South American states. Niebuhr had a high ideal of the newspaper correspondent. He remarked in this letter: "The task is not easy. I require of a correspondent of a newspaper the same that I endeavored to do in my reports to the king when I was minister, and what I, as Secretary of State for Foreign Affairs, should expect from every diplomatic agent. It is all-important to be conscientious and true to the letter. The correspondent of a newspaper is the ambassador, not of its proprietor, but of the public."²

✓ [This experience in newspaper work gave Lieber an

¹ Johann Friedrich Freiherr Cotta von Cottendorf (1764-1832) was the son of Johann George Cotta, founder of the illustrious Cotta publishing house. He was educated at Tübingen, and in 1787 he undertook to conduct the publishing business at Tübingen. In 1798, he started the *Allgemeine Zeitung*, of which Schiller was to be the editor. In 1795, he founded with Schiller the *Horen*, a periodical devoted to German literature. Cotta was an unfailing friend of young struggling men of talent.

² "Miscellaneous Writings," vol. 1, p. 72.

extensive knowledge of American affairs, and suggested to him the idea of editing an encyclopædia, based upon Brockhaus' "Conversations-Lexikon." Many years later Dr. la Borde, of South Carolina College, frequently conversed with Lieber about this period of his life, of which the following interesting account is given in the "History of South Carolina College": "One afternoon in Boston, when a dark cloud was resting upon his mind, he threw himself upon his bed, and indulged in profound reflection. 'What shall I do?' was the overwhelming question. He felt that his brain was the only thing which he could draw upon for support. But how was that brain to be used? In what channel were his labors to be directed? In reading the lives of eminent scholars, how often do we find that at the outset they have been borne down, and for a period made miserable by this burdensome and heartrending thought. Many a genius, under similar circumstances, has sunk never to rise again. A volume of the 'Conversations-Lexikon' happened to lie on a table in his room. As his eye rested upon it, he exclaimed aloud, 'That's the thing; I'll write an encyclopædia.' He wrote out a plan at once, carried it to some of the leading men of Boston, and they gave it a hearty approval."

In this project, Lieber was assisted by some of our most prominent scholars and statesmen. Bancroft, Everett, Dr. Follen, and many other scholars spoke

in the highest terms of the proposed encyclopædia; while Judge Story, Dr. J. G. Palfrey, J. K. Paulding, George Ticknor, Dr. Walter Channing, and Dr. Orville Dewey were among the chief contributors. In January, 1828, definite arrangements were made with Carey, Lea and Carey, of Philadelphia, for the publication of the work, and it was decided to give it the title, "Encyclopædia Americana." The "Encyclopædia" was to consist of thirteen volumes, the first appearing in the year 1829. The amount of labor required in its preparation was enormous. Twelve translators and many contributors were constantly employed. Lieber had to think of a thousand different things. One moment he would dip into French philosophy, and the next he would be writing an article on "Cookery." He had trouble with the printers, and often it was necessary for him to rewrite articles that others had prepared. Judge Story rendered Lieber the most valuable assistance, which is gratefully remembered in the following language: "I shall never forget the offer he made to contribute some articles when I complained of my embarrassment as to getting proper articles on the main subjects of law for my work intended for the general reader. Many of these were sent from Washington while he was fully occupied with the important duties of the Supreme Court.¹ He himself made out

¹ "The fact is that I am constantly engaged in writing for the press, my new and second volume on Equity, and my progress against this printer's devil

the lists of articles to be contributed by him, and I do not remember ever having been obliged to wait for one. The only condition this kind-hearted man made was that I should not publish the fact that he had contributed the articles in the work until some period subsequent to their appearance. The contributions of Judge Story comprise more than one hundred and twenty pages, closely printed in double columns. I may add that Judge Story made his offer at a time when he, to whom it was made, was known to very few persons in this country, and had but lately arrived here; and that he took at once the liveliest and most active interest in the whole enterprise, and contributed much to cheer on the stranger in his arduous task."

[The "Encyclopædia" proved to be a financial success. In 1829, immediately after the first two volumes had been published, four thousand copies were sold. It brought Lieber into prominence, and he enjoyed the companionship of great men.] He had occasion to pay frequent visits to New York, Philadelphia, Baltimore, and Washington. Judge Marcy received him cordially and promised to help him. He called on the President, and was pleased to find a volume of the "Ency-

and all his imps is necessarily slow. Think of this: that I have published a volume of six hundred and ninety pages last year, and am to write another of the same size this year. Besides, I have a crowded correspondence of all sorts, and am like a miller compelled to wait and give each his turn at the mill in due order."—LIFE AND LETTERS OF JOSEPH STORY, vol. 2, p. 230.

clopædia" on the table. He dined with Mr. Gallatin, and declared that he felt quite clerical among all the reverend black coats. He still retained charge of the swimming school, and swam occasionally with Mr. Audubon, the ornithologist. He expressed a desire to accompany Audubon to Labrador, but added, "I must work, work, work." The "Encyclopædia" was so important a publication in its day that it deserves more than a passing notice. When Lieber began work upon it, he was practically a stranger, but he soon became known as the pioneer in this kind of literature. He rendered a most valuable service in editing a work, the purpose of which was the diffusion of knowledge. In the preparation of the "Encyclopædia," Lieber received a rich compensation by gaining a more accurate knowledge of the institutions and history of our country. The work was designed to be an American encyclopædia, and in preparing his share of the articles, it became necessary for him to make a careful study of a number of topics relating to our national life. The knowledge thus gained was of inestimable value to him in the preparation of his various philosophical works.

Lieber was now in more prosperous circumstances, and on September 21, 1829, he married Miss Matilda Oppenheimer, whom he first met in England. Their union was blessed with four children, a daughter who died in infancy, and three sons, Oscar Montgomery,

Hamilton, and Guido Norman.¹ This was a busy period for Lieber. He was constantly engaged in preparing lectures for the Athenæum and the Boston Society of Useful Knowledge, or in writing articles for the "Encyclopædia" and for Cotta. He soon became prominent in educational circles, and on October 20, 1830, he attended an important gathering of scholars in New York City. On January 6 of this year, a plan was suggested for the establishment of a university in New York City, and in the month of September,

¹Oscar Montgomery Lieber, a geologist, was born in Boston, Sept. 8, 1830, and died in Richmond, July 22, 1862. He was educated at Berlin, Göttingen, and Freiburg. He was state geologist of Mississippi from 1850 to 1851, and was engaged in the geological survey of Alabama from 1854 to 1855. In 1856 he was made geological surveyor of South Carolina. In 1860, he accompanied the American astronomical expedition to Labrador, as geologist. At the beginning of the Civil War, he entered the Confederate army, and died of wounds received at Williamsburg. He was the author of an assayer's guide, and had also translated from the German, "The Analytical Chemist's Assistant," by Friedrich Woehler, of Göttingen.

Hamilton Lieber was born in Philadelphia, June 7, 1835, and died in Baden-Baden, Germany, October 18, 1876. He entered the volunteer army as a first lieutenant in the Ninth Illinois Regiment. He was badly wounded at Fort Donelson, where he lost his left arm. In 1866, he was made captain and military storekeeper.

Guido Norman Lieber was born in Columbia, South Carolina, May 21, 1837. He graduated at South Carolina College, 1856, and at the Harvard Law School in 1859. In that year, he was admitted to the New York bar. At the outbreak of the Civil War, he joined the Eleventh Infantry, U.S. army, and was appointed regimental adjutant. He was brevetted several times for bravery, and was finally transferred to the judge-advocate general's office, Washington. From 1876 to 1882, he was professor of military law at West Point, when he was transferred to the department of Military Justice, Washington. He is at present judge-advocate general.

the friends of the proposed university appointed a committee to invite delegates. On the day selected for the meeting, one hundred members, representing various educational institutions, were present. Lieber took an active part in all of the proceedings. Topics for discussion were announced relating to European universities, organization of American colleges, systems of college discipline, advantages of a large city as the seat of a university, extensive libraries, instruction by public lectures, necessity for educating classical teachers, importance of a department of English language, a national society for the promotion of science and literature, importance of civil and political institutions of our country as a subject of study, and religious instruction in colleges. Lieber read an exhaustive paper on the organization, courses of study and discipline of German universities, which was received with deep interest. He was a prominent member of several committees, and he won the respect of the most learned scholars present by his clear views on educational questions. The convention adjourned on October 23, and in some respects it was one of the most important gatherings of college men ever held in this country.

In 1834, Lieber's abilities were recognized by the Trustees of Girard College, when they invited him to submit a plan for the organization of that institution. He entered upon the preparation of this plan with a pious feeling. He drew up an elaborate constitution,

consisting of two hundred and sixty-nine articles, besides seventy-eight rules and regulations.¹ Writing from Paris in 1834, Edward Livingston said of the plan: "You have written three lines which ought forever to be impressed upon the minds of all teachers, whether of science, politics, or religion. I know of no truth more happily expressed, than that 'there is a religion under all the variety of sects; there is a patriotism under all the variety of parties; there is a love of knowledge and true science under all the variety of theories.'"

Lieber's journal during these years, shows his keen anxiety for some permanent position. Some of the most distinguished lawyers of the country urged him to study law as a profession, and Judge Story was particularly anxious that he should pursue this course.

He made an effort to secure a foreign mission, and in this he was encouraged by Mr. Biddle.² Disappointed in this ambition, he wrote: "Castles in the air about Europe. Oh, that they might become realities!

¹ "A Constitution and Plan for Girard College for Orphans," with an Introductory Report by Francis Lieber. Carey: Philadelphia, 1834.

² "As to an appointment under government, I cannot think of any office I should desire, except one that is not very likely to be given to me,—a *chargé d'affaires*-ship at one of the northern courts, or, at any rate, in Europe. I have long wished it in order to write a work which has long been in my mind; the 'Life and Times of William, the Founder of the Netherlands Republic,'—the only parallel hero to Washington."—LIEBER IN A LETTER TO MISS DOROTHEA DIX.

I cannot say I have homesickness for Germany, — but for Europe, for science and art.” His mind was also filled with many projects of authorship. In 1827, he wrote to Jared Sparks, suggesting a German edition of Washington’s writings. He thought they would be of great value for general history, and that through his friend, Niebuhr, a German publisher could be secured. At another time, the idea of writing a constitutional history of Rome occurred to him, while he also had some correspondence with Secretary of State, Livingston, in regard to preparing a history of representative governments. He made proposals to the Harpers about a Life of Prince Blücher, and suggested to Mr. Stone of New York his project of an advertising paper. He called the attention of some of our statesmen to the importance of a Board of Statistics as a department in the government. He knew the value of such a Board to Prussia, and he unfolded his plan in the following letter to Jared Sparks on Jan. 25, 1834: “I wish to inform you of yet another scheme I have in view. No one can know better than yourself that it is of great importance to the United States to collect in some way or other the statistics of this country. If it is important in all countries, — Prussia and France have already boards of statistics, and the British government has lately established something similar, — it is peculiarly so in this country on account of the character of those subjects on which government legislates, as

well as on account of the character of our general government, which renders the collection of statistics peculiarly difficult. Mr. Livingston, when Secretary of State, was not even able to collect information as to the taxation of citizens of the United States. I have, therefore, in view, to propose to Congress to make an appropriation for the collection of all possible materials used in giving light in all matters connected with public economy and the statistics of the United States. I have a plan, how this is to be effected, in my mind. Persons of all parties to whom I have communicated it, appeared to be much pleased with it, and promised to give it all support in their power. I shall proceed some time this winter to Washington, well harnessed with letters. What do you, knowing Congress well as to such matters, think of my plan? Do you think it feasible? And if so, can you give me any advice, direction, support? Will you give me some letters? I have a very kind letter of introduction from Mr. Appleton to Mr. Clay, and shall ask Mr. Sergeant for one to Mr. Binney. I know Mr. McLane, Mr. Woodbury, and Mr. Butler. Will it be necessary to write to Mr. Everett, or should I write to Mr. Ticknor to write to Mr. Webster about it? I would beg you not to mention anything about this affair to anybody in Boston or Washington until I go." Lieber's resources in subjects for authorship had no limit. At one time he had the following subjects in his head:

Letters on my Trip to Niagara, Principles of Legislation, Penology, Education and Journey to Europe. He was anxious to secure a position that would afford him leisure for these many literary tasks. On one occasion, he wrote: "I have suffered much in these days. I cannot yet write without a bleeding heart. It is painful to write in a journal after hopes have been blighted, of which the preceding pages show so many traces. God grant that I find at last a fixed spot."

One of Lieber's truest friends in this period of uncertainty was Charles Sumner. They became acquainted in Washington, in 1834, while Sumner was a guest at the house of Mrs. Elizabeth Peyton. Several members of Congress, and other persons of distinction, among them Lieber, stopped here also. He was introduced to Sumner by a note from Richard Peters, and a long friendship at once began. From 1834 to 1872, they were regular correspondents, except for an interval of eight years, of which I shall speak in another chapter. Lieber had a real affection for Sumner, and his letters were frequent and lengthy. More than one thousand of these letters were preserved by Sumner, and they indicate a mutual attachment rarely to be met. When Sumner was about to sail for Europe in 1837, Judge Story wrote: "What poor Lieber will do without you, I know not. He will die, I fear, for want of a rapid, voluminous, and

never-ending correspondence." Lieber's capacity for literary work was extraordinary, and in his enthusiasm, he often set heavy tasks upon his friends, and put their good natures to a strain. He made constant requisitions upon Sumner in the preparation of his books, and was promptly honored with the information wanted. He wrote to Sumner in 1837: "Let me thank you, my dear friend, most heartily, for your kind additions of stock to my work in your last. The interest I see you take in my book cheers me much. Contribute more and more. It will all be thankfully received; only I am afraid I shall be embarrassed how to use it. I cannot all the time say, 'contributed by a friend,' and yet I do not want to plume myself with your feathers . . . and, my dear fellow, if it were not asking too much, I would beg you to grant me a pigeon-hole in your mind while abroad; say, if you would, a memorandum book with this title: 'All sorts of stuff for Lieber.'" But Sumner was amply repaid for his kindness, for he found in Lieber an excellent guide in political philosophy, and frequently sought his advice on international questions. His deep affection for Lieber is shown in the following letter: "You are one of the few men I wish to see with a fortune, because I believe you would use it as one who has God's stamp should. It will be only a *novum organon* for higher exertion. You love labor so lovingly, and drive it

with such effect, that I would risk you with Cræsus's treasury."¹

Through all these years of toil, Lieber yearned for the time to write upon subjects that had long occupied his mind. He was dissatisfied with his work on the "Encyclopædia," and felt that it must eventually be supplanted. He had ambitions to leave a work behind him that would live in spite of the changes of time; but he did not have the leisure to concentrate his thoughts. In 1834, he made his residence in Philadelphia, where he became acquainted with Nicholas Biddle and Hon. Thomas Drayton, formerly of Charleston, South Carolina. These gentlemen, with Judge Story, interested themselves in Lieber's behalf to obtain for him either the presidency or a professorship in South Carolina College, which at the time was being reorganized. The governor of South Carolina became an ardent supporter of Lieber for a place in the new faculty, and on June 5, 1835, he was unanimously elected professor of history and political economy. This College was a good field for the introduction of the subjects belonging to Lieber's chair. The ten-

¹ Lieber once wrote to Sumner in regard to wealth: "What you say respecting my probable application if I were rich, is true. I would not, indeed, like Lord Egerton, translate, if I had, like him, ninety thousand pounds sterling a year; but whenever I have had money and time, I have not only been more industrious, but my mind has been more productive. So if you know some old Girard, have no fear; tell him to leave me a million, and I will make young men of talent work and produce in a way that it shall be a pleasure to contemplate."

dency of the Southern youth to enter public life, made history and politics the most popular subjects of the course. As early as 1815, the Board of Trustees favored a professorship of political economy. In 1823, Dr. Thomas Cooper suggested that lectures be given in this subject, and the next year he began a course. The career of Dr. Cooper in the College, immediately preceding that of Lieber, is of peculiar interest to the student of educational history. He was born in London in 1759, and was educated at Oxford. Opposing the political views of Burke in a pamphlet, he left England under a threat of prosecution. He took up his residence at Northumberland, Pennsylvania, with his friend, Dr. Priestley. At this time, the country was in a state of excitement over the alien and sedition laws, and in the year 1800, he was sentenced to six months' imprisonment and a fine of four hundred dollars for a violent attack on President Adams. After being released from prison, he became in succession land commissioner, judge, professor of chemistry in Dickinson College, professor of chemistry and mineralogy in the University of Pennsylvania, and professor of chemistry, and afterward president of South Carolina College. Jefferson had also selected him as a professor in the newly founded University of Virginia; but his liberal religious views were offensive to the people, and he was compelled to resign. Jefferson expressed his regret in

the following language: "I do sincerely lament that untoward circumstances have brought on us the irreparable loss of this professor, whom I have looked to as the corner-stone of our edifice. I know no one who could have aided us so much in forming the future regulations for our infant institution; and although we may, perhaps, obtain from Europe equivalents in science, they can never replace the advantages of his experience, his knowledge of the character, habits, and manners of our country, his identification with its sentiments and principles, and high reputation he has obtained in it generally."

In 1819, Dr. Cooper was elected professor of chemistry in South Carolina College, and a year later, on the death of Dr. Maxcy, he succeeded to the presidency of the institution. His career as professor and president was one of restless activity. His weak discipline, together with his infidel views nearly wrecked the College. He lectured on the Pentateuch, and made vigorous attacks upon the orthodox view of geology. Dr. Sims, in his autobiography, writes of Dr. Cooper as follows: "It is a wonder that a country as full of Presbyterianism and bigotry as that was at the time, should have tolerated a man in his position, especially when advocating and teaching upon such an unnecessary subject. Dr. Cooper lived before his day. If he had flourished now, in the days of Darwin, and Tyndall, and Huxley, he would have

been a greater infidel than any or all three of them together." Dr. Cooper's teachings aroused the greatest opposition throughout the state. As the trustees of the College remained loyal to him, the campaign was carried to the state legislature. On December 7, 1831, the House of Representatives ordered the Board of Trustees "to inquire whether Dr. Cooper has wilfully and unnecessarily promulgated any opinions which are justly offensive to any considerable portion of the people of the state." On December 8, 1832, the Trustees disposed of the charges against Dr. Cooper by unanimously exonerating him. But as popular feeling continued strong against him, he proposed, in 1833, his willingness to resign the presidency, retaining the position of chemical lecturer. The Board agreed to this proposition, at the same time granting him the salary of a full professor. The College was now reduced to a most wretched condition, with an attendance of not more than twenty-five students. The only hope was in a complete reorganization, and on December 3, 1834, the Board of Trustees resolved that "the president, professors, and instructors of the College be requested to resign for the purpose of having the vacancy filled by such persons as the Trustees may hereafter elect." As before stated, Lieber's election to the professorship of history and political economy was a part of the reorganization scheme that the College authorities agreed upon at this time.

IV

HIS SOUTHERN EXILE — LONGING FOR THE NORTH — VISITS EUROPE — HIS RESIGNATION

IT was Lieber's fate to encounter many obstacles in his career. As a boy his soul longed for liberty, and for this he fought in the Waterloo campaign; but returning home, his hopes were blasted, and he was even confined to a prison cell. Realizing that there was no liberty in Prussia, he determined to assist the struggling Greeks to obtain that which was denied him at home. Again he met with disappointment, and he became disgusted with the miserable condition of the degraded Moreans. In America, civilization and liberty were making their home, and he turned to this land of promise to realize his fondest dreams. But he found, even in America, a portion of the human race enslaved, and this earnest advocate of liberty was compelled to make his home in the very midst of the slave power. He had no desire to go to the South, but after a struggle of eight years in the North he felt compelled to accept the position in order to provide for his family. It also afforded him the opportunity to write his "Political Ethics," "Legal and Political Hermeneutics," and

“Civil Liberty and Self-Government,” the three great works upon which his fame will chiefly rest. Although he made many warm friends in South Carolina, he was not at home there. On February 28, 1835, he wrote to his friend Mittermaier: “I must bid farewell to all that is most precious and dear to me, and shall be compelled to live in a slave state; yet I shall then have a settled sphere of activity, and shall be able to exert my influence in the right direction. It will give me the means of supporting my family, and the time to write on subjects which have long occupied my mind. But I must then depend still more upon my friends, and especially upon you. What could I do in my exile without your support, and without literary connection with Europe?” In his diary, October 10, 1835, he expressed his feelings as follows: “I feel, now, far removed from active, progressive, and intellectual life. And then slavery! This nasty, dirty, selfish institution.” On October 27, 1835, he wrote to Sumner: “How do I like the South? Why, if you promise to keep strictly to yourself what I write on such subjects, I will tell you that, as a scientific European feels when he arrives in the United States, so does a man feel when he goes from the North to the South. The people seem to be fine, open-hearted; in fact, I have become acquainted with some who made a most excellent impression. As for the rest, it is far, far behind the North, and my wife and myself are homesick for the North.

"Pray, write me what you pick up in regard to science, for we live in an absolute desert here. Surely, forever I could not live so; I would rather go to Alabama and become a planter, make a competency in five years, and then become a writer."¹

The same longing for the North is found in a letter to Mittermaier, May 13, 1841: "You can scarcely imagine with what longing I look for the arrival of a vessel which is to bring me new publications from Europe, for you can have no conception how a man in my situation feels. I live at the South, it is true, but with respect to culture and intellectual life, and all a man requires who takes part in the stirring movements of our times, I might as well be in Siberia. There is no use in deluding myself, nor have I the disposition to do so. If Herder complained of a disappointed life, oh, how much greater reason have I to despair! Not that I would compare my gifts of mind with his, but something exists within me which strives for improvement and development, and stands in need of its element as much, in proportion, as the soul of a Descartes or a Mozart. A little while since, I had some hope that an opportunity might offer for my return to the North. I had some expectations; but, at present, I have no prospects whatever in view, and so I am drying up and even losing energy."

No student can read Lieber's yearnings to leave

¹ "Life and Letters of Francis Lieber," by Thomas Sergeant Perry, p. 109.

the South without sympathizing with him in his exile. During a brief visit to Germany in 1844, he wrote to his wife: "Is there no escape from Columbia? Many would say, Why not go to Prussia? Why not take a professorship? I answer, the inexperienced or unconscientious only can enter into such situations which they know will expose them to a constant inner contest. The whole present tendency in Prussia is a most melancholy one. It is at war with everything noble in our time, and must, therefore, become worse and worse. You see that only an employment of a very peculiar kind would suit my soul, and even then I know I shall always have grave days. Boston, I say, God grant me Boston."

He was opposed in the South on account of his attitude on the slavery question, and this frequently caused him to pour forth bitter laments. In 1847, he wrote from Philadelphia to his wife: "As to the accusation in regard to the slave question, I am not sorry; for I have often thought that I should be glad if pressed out of my chair, so that I need not afterward reproach myself with having carelessly abandoned a good place, and led my dear wife and children into want. I shall write them a substantial answer on my return, which you shall read. I wish to do nothing without calm consultation with my good wife. I say, away, away from South Carolina, and I should support you, anyhow." Lieber was also greatly annoyed

by the attacks of the South Carolina Calvinists upon his religious views, and it is no wonder that he often exclaimed: "Take me away from this land where the skies are so blue and the negroes so black!"

The association of friends who tried to remove him to the North, he called the Lieber Emancipation Society. He finally declared to his friends in Boston, that he could no longer remain in the South, and that he should return to Germany, if no acceptable offer were made to him from the North. In July, 1845, an effort was made to establish a new professorship for him in the Law School of Harvard University. Judge Story was at the head of the movement. The Trustees of the University reported that the funds would soon be sufficient to establish a chair of history, as some wealthy citizens had promised their assistance. Judge Story died in September, 1845, and Lieber lost a dear friend to whose influence he owed so much. This sad event destroyed the whole plan, and Lieber was compelled to give up the idea of returning to the North. When William Preston wrote home from the North, "They cannot understand here how we keep Lieber in our parts," Lieber said, "The matter is very simple; because they give me the means to support my family."

On November 29, 1854, Dr. James H. Thornwell resigned the presidency of the College, to take effect in December, 1855. Although Lieber was tired of

his Southern exile, he desired the vacant position on account of the prominence it would give him. As the College was a state institution, an election of president attracted widespread attention and became a political issue. Lieber now acquired a notoriety that was distasteful to him. The newspapers took sides in the contest, and he was treated as an ordinary candidate for public office. The first editor to nominate him was a former Methodist preacher, while all the up-country papers favored him with the greatest zeal. The low-country papers were against him, as that region was the seat of the anti-national feeling. Many of his supporters were former students, and he was delighted with the spontaneous movement in his behalf. Although the people admired Lieber's abilities, they remembered his bold utterances against secession in 1851, and no general support could be rallied in his favor. He had also offended the Presbyterians, charging them with using the weapon of hatred, instead of love, truth, and the gospel. He shrank from the idea of future punishment, and called know-nothingism "a child of Calvinistic bitterness." At first, a majority of the Trustees were in his favor, and the alumni insisted on his election, but his "Union" letter, and religious views carried the day against him. Dr. Thornwell, the retiring president, urged another professor, Dr. C. F. McCay, a Presbyterian, who had been in the College only a year, with the hope of defeating

both and naming a new man. Lieber stood at the head for several ballots, when to the surprise of Dr. Thornwell, Professor McCay was elected. His administration proved an absolute failure, and in 1857, he was compelled to resign. On his defeat, Lieber at once resigned his professorship to take effect in December, 1856. He gave as his reason for this step, "not that I have been passed over, although a large number of Trustees voted for me, and for several ballotings I stood at the head; but because a professor, unknown to the Trustees, and utterly incapable of ruling this institution, has been elected, and because the College will go to ruin." He claimed that he was too old to play the College constable for another man, and spoke of himself as a "promenading" workman. His resignation was accepted by the Board of Trustees of the College in December, 1856, when the following resolutions were adopted:—

"Whereas, The resignation of Dr. Lieber has been accepted by this Board :

Resolved, That the Board of Trustees have a full appreciation of the eminent learning and just reputation of Dr. Lieber.

Resolved, That the Board tender to Dr. Lieber their hearty and sincere good wishes for his future welfare and prosperity."

The alumni of the College presented him with two massive silver vessels, as a token of their esteem, and adopted a series of resolutions which were conveyed to him by a committee consisting of William C. Preston, Governor Manning, James L. Petigru, Richard Yeadon,

and Joseph B. Allston. In referring to the resignation, Dr. la Borde, the historian of the College, pays the following beautiful tribute: "I have but a single additional remark to make. He must take his place as a star of the first magnitude. In all future time, the State will regard his name as one of the brightest and most illustrious on the roll of the Faculty. That he honored her cherished Institution, that he spread her fame to distant lands, and contributed in large measure to her exaltation and glory, none will question. He will live forever in her history, and never, never, will it be forgotten that her chosen temples of learning were adorned by his ministrations, and that he devoted the best portion of his life to her service and honor."

[On January 7, 1857, Lieber and his family took final leave of South Carolina, and settled in New York City. He had spent more than twenty years in his Southern exile, but they were years of great productiveness, and he came to the North with the laurels of scholarship, while his writings had extended his fame even to foreign lands.

During his relations with South Carolina College, Lieber applied himself closely to his duties, while most of his leisure time was devoted to the preparation of his three great works. Besides these, he wrote a great many essays on various subjects, which have been republished in his "Miscellaneous Writings." He also

made an occasional tour to the North in order to break the monotony of life in his Southern exile.

He often longed for Europe, for science and for art, and on March 18, 1844, he sailed from New York on a visit to the fatherland. On account of his absence from Prussia, he was excluded from the general pardon extended to all political offenders at the time of William's coronation. In 1841, he sent a petition to the king, making application for a pardon. This was granted in 1842, and Lieber was given permission to return to Prussia. In his tour abroad, he passed through England, and was delighted to find his "Political Ethics" in use. He dined with de Tocqueville at Brussels; travelled to the Waterloo battlefield, and found the spot where he had been wounded. Toward the end of July he hastened on to Berlin. He had a long talk with the king, who began by saying: "I am very sorry that you are going away again. I thought that we might be able to keep you here. It is a great pity." In his diary, Lieber describes the king as a polite man with small blue eyes and thin sandy hair. He was greatly interested in American affairs, and made careful inquiries into our penitentiary system. Lieber recommended to him the appointment of inspectors-general of prisons, with the duty to lecture in the universities on penology. The king expressed a wish to appoint him a prison inspector, with a definite sum to defray the expense of moving, and thirteen hundred

thalers for a position in the Department of Justice, with permission to lecture in the University on penology. On his refusal of the offer, the king exclaimed: "Has Prussia so deeply offended you that you cannot forgive?" Lieber spent some time also in Alsace and Baden, where he saw women ploughing. The same sight had often made him sad in South Carolina, where he saw negro women do this kind of work. In January, 1845, he returned to America, and resumed his College work. Shortly after his return, he received another invitation to enter the Prussian service, and to give lectures in the University of Berlin, but the offer was declined.

[Lieber's interest was aroused by the revolutionary movements in Europe in 1848, and in June of that year he once more started abroad. In February, 1848, Louis Philippe was driven from the throne, and France was declared a republic. This event increased the political ferment in Germany which had been growing for more than thirty years. In March, a general movement began in the smaller German states in the west, demanding freer constitutions and popular reforms. The revolution spread with great rapidity, and the patriotic party made a demand for national unity, with a representation of the people in the Diet of the confederation. The king promised to strive for German unity, and a national assembly was proposed. But the revolutionary party was impatient for a sud-

den change. There were serious outbreaks in a number of towns, and the riots became alarming in Berlin, Frankfort, Dresden, Baden, and the Palatinate. [When the news of this popular uprising reached Lieber, he was unable to continue his lecture in the College.

✓ He said: "My young friends, I am unfit for you this afternoon. News has arrived that Germany, too, is rising, and my heart is full to overflowing. I—"

"but I felt choked. I pointed toward the door. The students left it,—gave a hearty cheer for old Germany. I hurried home and fell on my bed, and cried like a child,—no, far more, like a man."

✓ He reached Bremen on July 7, 1848, after a trip of thirteen days from New York. At Frankfort he dined with Mittermaier, Von Mohl, Wurm, and Bürgermeister Schmidt. At Heidelberg there was a large mass meeting, and the Republic was openly spoken of, but it was always the French Republic. [He realized the difficulty of a revolution in Germany, and in a letter to his wife while

abroad, he predicted that blood would flow; that there would be a real civil war in order to effect German unity and overthrow the princes. He saw on all sides an inconceivable ignorance in everything that pertained to civil liberty; there was no experience, and the debates showed the want of all comprehension.] He said: "There is all the time a state which I should designate as a brewing tempest, but the storm is ready

✓ in any moment to break forth." [Lieber returned to

America in September, 1848, and on reaching home, he once more resumed his duties in the College. His interest in the struggle continued, as his son, Oscar, a student at Freiburg, took part in the riots against the princes at Dresden, in the spring of 1849. After spending four days and nights in the barricades, the young man came out of the struggle without injury, and Lieber wrote: "His coat was riddled, his powder-flask perforated, his hat shot into; but God has protected the ardent lad."

[The events of 1848 in Europe made a deep impression on Lieber's mind, as may be seen upon examining the frequent references in his "Civil Liberty and Self-Government."

V

THE CALL TO COLUMBIA COLLEGE IN THE CITY OF NEW YORK — LIFE IN THE NORTH

LIEBER'S name had been favorably known to the authorities of Columbia College for a number of years. His address at the meeting held in 1831 to consider the founding of the University of the City of New York gave him a reputation on academic questions. This movement alarmed the friends of Columbia College, and its Trustees were at once aroused to greater activity. While the authorities of the College had always exerted themselves to make the course a good one, they were stirred to unusual efforts by the founding of the University. The first steps taken were to make important changes in the College curriculum. While the existing course of study was preserved entire as the Full Course, another was adopted, which was called the Scientific and Literary Course. This course was not much of a success, and it seemed to be in advance of the time. Nothing very effective, however, could be done, because the money necessary was not in hand. Further changes were contemplated in 1853, when commercial activity made it necessary to remove the institu-

tion from College Place. On October 3 of this year, a committee was appointed to consider the removal of the College. A preliminary report was made in November, 1853, recommending the proposed change in location, and on July 24, 1854, the committee made its full report to the Trustees. In 1857, a new site for the College was purchased in the section bounded by Forty-ninth and Fiftieth Streets, and Fourth and Madison Avenues. The development of the plan for enlarging the scope of instruction went on with that for the change of location. As early as 1853, Lieber was requested by President King to give his views regarding a university in New York. Nothing definite was accomplished until September 10, 1856, when a committee was appointed to consider the reorganization of the courses of instruction. On January 12, 1857, the Trustees directed the committee "to bring in the full statute to comprehend the whole scheme of College and University instruction comprehended by their former report."¹ The committee made a final report on March 2, 1857, after consulting the members of the Faculty and seeking the advice of prominent educators in various parts of the country. In September, 1856, Lieber was asked to give his opinion on the proposed grammar school, the organization of undergraduate

¹ Addresses of the Newly appointed Professors of Columbia College, with an Introductory Address by William Betts, LL.D., February, 1858. New York: By authority of the Trustees, 1858.

courses, and on post-graduate courses in the College. As to the appointment of professors, Lieber wrote: "All college appointments of a higher kind in this country ought to be made by a standing committee of three, elected say, for three or four years—the appointments to be confirmed by the Board. The committee ought always to propose their candidate with a written report containing the reasons of appointment." He also urged that non-resident professors be engaged to deliver courses of lectures. In regard to controverted questions, whether religious, moral, political, or scientific, Lieber claimed that the highest freedom of thought ought to be permitted. Within a year, the plan had matured in his mind, and in February, 1857, he made additional suggestions to the committee, which, on account of their comprehensive scope are given in full:—

SUGGESTIONS ON COLUMBIA UNIVERSITY

"1. It seems more important to begin the University at once, although on a limited scale, than to wait until a fully organized institution can be called into existence. Four professors, say one of languages or literature, one of history and political sciences, and two for the natural sciences would seem sufficient to make a beginning. Growth and organic expansion have formed the strength and health of the greatest institutions of learning and of charity.

"2. The principle of fees for admission to the different courses ought to be adopted at once. It is of great importance to the students as well as for the professors—so important, indeed, that I consider it, under all circumstances, essential to success.

"3. There ought to be three classes of professors, viz.:—

"*a.* Full, or ordinary professors, residing in the city.

"*b.* Professors appointed to teach a single course each term—persons eminent in some specialty, or following some profession, residing in this city. The salary ought to be proportionately less. The talent collected in so large a place as New York ought to be utilized as much as possible by an institution intended for the cultivation and diffusion of knowledge.

"*c.* Occasional lecturers invited to deliver a course, or persons at a distance, but periodically repairing to New York to deliver a certain course of lectures. Our railways enable us to carry out the principle of multiplying the usefulness of a public teacher, adopted as early as under Trajan, in a far more effectual way.

"4. The professors designated under *a*, and so much of *c* as may be especially appointed by the Trustees, to form the University Senate—at least for the present. They elect, from among themselves, a dean for a limited term, say for two years. The dean is the connecting link between the Senate and the

Trustees, the presiding officer of the Senate, and the executive officer of the University.

“5. Whenever the University shall have sufficiently expanded to form separate Faculties, such as a Faculty of law or jurisprudence, of philosophy and ethical branches, of natural sciences, etc., then each Faculty shall elect its own dean; and the Faculties united shall form the Senate, which shall elect its own chancellor from among its own members for a limited term—the chancellor (or rector) to be the connecting link between the University and the Trustees.

“6. After the first four professors have been appointed by the Trustees, the Senate ought to have the exclusive right to nominate professors for new professorships and for all vacated chairs, and the duty to accompany their nomination with a report to the Trustees stating the reasons why the nominations have been made. So soon as there will be different Faculties, each Faculty shall have the duty to propose to the Senate for nomination persons to fill chairs belonging to that particular Faculty. The Senate will then make the nomination to the Trustees.

“7. The Board of Trustees will establish no new chair, after the foundation of the first four chairs, without first obtaining the opinion of the Senate.

“8. Every person, whether a graduate of any college or not, shall have the right to attend any course of lectures for the common fees of admission, and

some courses ought always to be delivered at such hours of the day as to make it possible for persons engaged in the various pursuits of life to attend them. Merchants, engineers, theological students, teachers, lawyers, manufacturers, agriculturists (during the winter months), navigators, mechanics, etc., ought thus to have the opportunity of profiting by the liberal diffusion of knowledge provided for by the University.

"9. Nevertheless, there shall be regularly matriculated students, who, after having attended certain prescribed courses, and having duly passed certain prescribed examinations, shall receive degrees and diplomas, bestowed by the Senate.

"10. A University building, in an accessible part of the city, would be of great convenience, but it is not indispensably necessary. There are many universities of renown in Europe without University buildings. In order to make a beginning without delay, a convenient house might be readily hired or bought. It would not even be necessary that all University lectures should be delivered in this house; a professor of chemistry, for instance, or a professor of the fine arts, might find it convenient to lecture in other places. The Senate, or the Senate and Trustees, would be the proper authorities to regulate this matter.

"11. College professors may be, but need not necessarily be, University professors.

“12. Annual prize questions ought to be established; *a*, for matriculated students; *b*, for competitors at large in the United States and out of them.

“13. The Senate should have the right to grant, to persons properly qualified, permission to deliver courses of lectures in the University. These licentiates will have no salary, but shall receive the fixed fees of admission to their own lectures. The Senate shall give the license to lecture on certain and distinctly stated branches only. The Senate can annul the license at any time; nor shall it be given for a longer period than five years, after which it may be renewed. The proposed delivery of lectures by licentiates is to be published with the intended lectures of the professors, previous to the beginning of each semi-annual term. The licentiates would correspond to the private docents of the German universities, where they have been found of great use. The appointment of private docents grew out of the privilege of lecturing, which the degree conferred upon every graduate in the early universities; indeed, this was the early meaning of the degree A.M.”

✓ [While the time had not yet arrived for the adoption of so broad a scheme as that which Lieber proposed, an important step was taken in this direction.] At first, delays arose in finding proper accommodations for the College, but when the removal was completed, it became

possible to carry out the plan suggested by the committee. This plan contemplated the retaining of the Classical Course for three years, and the establishment of a Scientific Course to occupy three years. These two courses were to meet at the beginning of the Senior year, and the students were to be prepared to undertake any of the studies to be thereafter taught. Three schools, namely; of philosophy or philology, of jurisprudence and history, and of mathematics and physical science were to be organized, into which the students were to enter at the beginning of the Senior year; and at the end of that year, those who had pursued the Classical Course were to receive the degree of bachelor of arts, and those who had pursued the Scientific Course, that of bachelor of science. The studies of these schools were not to end with the first degree, but were to continue two years longer, forming what was to be called the Post-Graduate Course. In 1857, the Senior class was divided into the schools of letters, jurisprudence, and science, and the committee in charge of the subject was authorized by the Board of Trustees to open the Post-Graduate Course of instruction on the first Monday of December, 1858. It was also resolved to add several professors to the Faculty, and the following appointments were made; James D. Dana, professor of geology and natural history; Arnold Guyot, professor of physical geography; George P. Marsh, professor of the English language, and T.

W. Dwight, professor of law.¹ The chairs, held by Professors McVickar, McCulloch, and Hackley, were divided on account of the arduous duties connected therewith. [At the same time, the new chair of history and political science was created, to which Lieber was called on May 18, 1857.] He received an immense number of congratulations, and North and South alike spoke highly of the appointment. He was proud of the honor conferred upon him, and wrote to Hamilton Fish, one of the Trustees, suggesting that he make a motion to have the chair called the chair of history and political science. Lieber added that he desired to write to de Tocqueville, and tell him that he had been made professor of the greatest branches in the greatest city of the greatest union—that of history and political science. To Hillard, he expressed his gratification as follows: “Yesterday your fat foggy of a friend was unanimously elected professor of history and political science in Columbia College and for the University Course. It is pleasing to remember that both times when chairs were given to me, it was done unanimously by bodies of Trustees consisting of some twenty-five members.”

✓ The call of Lieber to Columbia College must be regarded as an important event in American educational history, and Dr. Herbert B. Adams speaks of it as “the first recognition by a Northern college of

¹ With the exception of Professor Dwight, these were temporary appointments as lecturers.

history and politics as properly coördinated sciences.”¹
“At the College of South Carolina,” Dr. Adams continues, “Lieber had taught history, political economy, and philosophy as a homogeneous group. The presence of the latter subject in his professorship betrays a survival of the old scholastic connection of metaphysics and politics, a connection which lasted long at Harvard, Columbia, and many other colleges. It was the great ambition of Lieber to associate history with the political sciences, and to make these subjects an independent and homogeneous department.”

[The subjects assigned to Lieber's chair were modern history, political science, international law, civil and common law.] The Senior class took modern history, political philosophy and political economy, using as texts Weber's "Outlines of Universal History," Lieber's "Civil Liberty" and Say's "Political Economy." To the Junior class, he gave two hours a week throughout the year on mediæval history, while the Sophomores had Roman history, from Wilson's "Outlines," down to the fall of the Western Empire. The Freshman class used the same text-book and were taught the history of Greece down to 146 B.C.² No one but a man endowed with Lieber's capacity for work would have been able

¹ "The Study of History in American Colleges and Universities," by Herbert B. Adams, Ph.D. Washington: Government Printing Office, 1887.

² For a full account of Lieber's methods of teaching, see Chapter VI; see also his remarks on Studies in Appendix.

*See Sumner p. 12
Prof. H. Van Amringe*

to carry a burden like this. Physically robust, and possessing a genuine enthusiasm for his subject, his life was crowded with industry, both in the lecture-room and in other departments. Learning history from one of the chief authorities of the century, his work assumed the highest character. One of his colleagues at Columbia College, Prof. J. H. Van Amringe, writes: "I can personally testify that his work had a very great influence in broadening the views of the students who came under him, and in making them understand the affairs of the world, and the genesis and bearing of historical truths anywhere enunciated or exemplified."

*See Lieber p. 12
Prof. H. Van Amringe*

With his College duties, his extensive correspondence, his intimate relations with public men, and the approach of the Civil War, Lieber's career in the North became one of intense activity. He had intended to spend the summer vacation of 1861 in Europe, but he abandoned the trip, feeling that he would be worried by constant talk about the Rebellion. His position as a professor of public and international law brought him into much prominence during this period. [His advice was constantly sought by Sumner, Garfield, Hamilton Fish, and other leading statesmen, and he was quoted as an authority on the many leading questions that arose during the War. He was one of the founders of the Loyal Publication Society, which distributed more than one hundred thousand pamphlets, ten bearing the name of "Francis Lieber." The War Department at Wash-

ington also recognized his abilities, and, in 1862, at the request of General Halleck, he prepared his work on "Guerrilla Parties Considered in Reference to the Laws and Usages of War." In 1863, at the instance of President Lincoln, he wrote "Instructions for the Government of Armies of the United States in the Field," which was published by the War Department as General Orders, No. 100. Both of these works are discussed at length in the chapter on Military Law.

In the meantime, a number of changes in the work of the College were under consideration. The graduate department established in 1857, was abolished the next year. It appears that the time had not yet arrived for so broad a scheme of advanced work. A more serious reaction occurred in 1865, as a result of the suggestions in President Barnard's annual report. This report contained the following recommendations:

"All the subjects embraced in the two departments of philosophy and English, and of history and political science, might be better put into the hands of a single instructor, with a tutor to assist him, than be disposed of as at present. It is quite doubtful, in the view of the undersigned, whether modern history, in the proper sense of the word, ought to occupy any considerable space in the teaching of our colleges. The subject is too vast, and practically so exhaustless, that the little which can be taught in the few hours of class instruction (if that is all the learner ever

knows) amounts to but a small remove from absolute ignorance. There are certain large outlines that can be sketched boldly out; but that being done, the instructor will much more profitably employ himself in furnishing the student with something of the bibliography of history—in giving him, in short, a guide for his private reading—than in attempting any detail of the growth and decline of particular peoples, or the rise and fall of particular empires.”

Acting on these suggestions, the Trustees on July 6, 1865, abolished the chair of history and political science in the College, and the department was placed in charge of the professor of philosophy and English literature. The same day, Lieber was transferred to the Law School, and made professor of constitutional history and public law, where he remained until his death in 1872.

Lieber was disappointed at the conservative action of the College authorities in 1865, and he expressed his feelings to Dr. Andrew D. White, as follows: “I have spoken much of the necessity of teaching history and political economy in colleges. The present president of Columbia College has declared the former too comprehensive, and the latter too deep a science, to be taught in colleges; and in the middle of the nineteenth century these two branches have been abolished in Columbia College! It was done at a time when, in impoverished Virginia, immediately after her sub-

*Thoroughly
did not influence
on Col. College*

jection, the legislature appropriated some money for chairs of history and political economy in the College of which Lee became president. It cuts me to the very heart, but so it is. Keep this in mind, and let it stir you and incite you the more not to forget these noble and necessary branches in the Cornell College. Nowhere is it so necessary to hold before the eyes of young men a mirror of the sacredness and gravity of political duties or the obligation of a citizen, as in a country in which his rights and privileges are almost unlimited."

Although Lieber was naturally disappointed at the set-back that his work received from President Barnard, his services in the College were of vast importance, as the later development of the graduate and professional schools indicates. There seems to be a close parallel between the ideas of 1857, and those of later times, as far as history and political science are concerned. [Lieber's connection with Columbia College in 1857, marked an epoch in the scientific teaching of these subjects,] and another epoch was begun in 1880, when the Trustees of the College resolved to establish a school of political science, open to advanced collegiate students, with courses leading to the degree of doctor of philosophy. As [Lieber had carried German ideas into Columbia College in 1857,] these ideas continued to prevail when his mantle fell upon his successor, Dr. John W. Burgess, who had

studied history and political science with the late Professor Droysen, of Berlin.

✓ [With Lieber's advent in the Law School, the last period of his academic career begins.] The School was organized in 1858, and under the administration of Dr. T. W. Dwight its growth was rapid. Many years before this time, Chancellor Kent had delivered lectures on law in the College, but after a brief period, they were discontinued. On the establishment of the Law School, Dr. T. W. Dwight was appointed professor of municipal law. With him were associated as a Faculty, Professors Lieber and Nairne, who were also members of the College Faculty, while in 1860, Dr. John Ordronaux was made professor of medical jurisprudence. On Lieber's transfer to the Law School, the Trustees outlined the scope of his work by a resolution of October 9, 1865. He was required to deliver one lecture weekly to each class during the academic year. To the Junior class, he lectured on the constitutional history of England, and also on modern political history; while his lectures to the Senior class included the subjects of United States history and government. No adequate conception of the nature of Lieber's work in the Law School can be gained from the above statement of his courses. ✓ [He led his students into those chosen fields of investigation which had won for him a reputation throughout the world.] Professor Van

Amringe makes the following statement in regard to Lieber's career in the Law School: "Professor Lieber's connection with the School continued until his death in the autumn of 1872; and he gave, yearly, a course of lectures upon those special subjects in which he had gained great distinction for his learning, originality, and independence of thought, extensive research, and sound judgment, viz., 'The History of Political Literature;' 'Political Ethics;' 'The Origin, Development, Objects, and History of Political Society;' 'Constitutional Government,' etc."¹ Since Lieber's death, his place was temporarily held by Hon. George H. Gusman, Charles W. McLean, and Dr. John W. Burgess, of Amherst College, until 1876, when the chair of history, political science, and international law was created, and Dr. Burgess was elected to fill it.

[During the last ten years of his career, Lieber took an absorbing interest in the subject of International Law.] In 1860, the "scientific clover-leaf" was formed with Bluntschli and Laboulaye, and in the following years, his essays on International Law appeared. [He had now arisen to the highest dignity as a publicist, his ideal being to form a permanent alliance of the leading international jurists, and thus prepare the way for a commonwealth of nations.] He also wrote

¹ "Historical Sketch of Columbia College, from 1754 to 1876," by Professor J. H. Van Amringe, p. 84.

many letters to the *New York Evening Post*, signed "Americus," and his last work was a treatise on "The Rise of the Constitution," which was almost ready for the press at the time of his death.

In 1865, the Secretary of War endeavored to secure an appropriation for a lecturer on the Law and Usages of War on Land, at West Point. The plan was to get the appointment for Lieber in recognition of his valuable services during the War. This was never accomplished, but he was afterward appointed to classify and arrange the Rebel Archives in the office of the War Department, and he was engaged in this work for several months.

His knowledge of international law led to his selection as umpire according to the terms of the Mexican Convention for Settling Claims. After the signature of the treaty of Guadalupe-Hidalgo in 1848, claims and complaints were made by citizens of the United' States, on account of injuries to their persons and their property by authorities of Mexico, and similar claims and complaints were made on account of injuries to the persons and property of Mexican citizens by the authorities of the United States. By a convention, July 4, 1868, between the two nations, it was agreed to refer the settlement of the claims to a board of commissioners and an umpire. The deliberations continued from July 31, 1869, to November 20, 1876. A thousand and seventeen claims were presented by the United States, and nine hundred and ninety-eight by Mexico, and

their aggregate amount exceeded half a billion dollars. The total amount allowed was about four millions.

The appointment of umpire was reluctantly accepted by Lieber, only after it had been urged upon him by Hon. Hamilton Fish and Mr. Marescal, the Minister of Mexico. The chief characteristic of this work was the admirable decisions of the umpire, who disposed of each case by the one rule of common sense and justice. Lieber had contemplated the resignation of his professorship and commission on May 1, 1872, in order to visit Europe. But the Senate confirmed a treaty with Mexico, which extended his commission as umpire until January, 1, 1873, and he was compelled to change his plans. This was his last important work, being not yet completed at his death in October, 1872.

VI

LIEBER'S VIEWS ON EDUCATION — HIS POSITION AS A TEACHER

✓ LIEBER brought with him to America a high ideal of the political significance of education. He had seen Germany, humiliated by a foreign foe, depend upon the schools for her regeneration; therefore, ✓ he looked upon education as one of the chief interests of the State, and his writings on the subject attracted general attention. In 1826, he wrote an essay on the Lancastrian Schools, first published in the *Literarische Blätter der Borsen-Halle*, number 122. It contains an intelligent description of the Lancastrian system of education,—according to which the more advanced pupils teach the others,—and an earnest appeal in behalf of its introduction into Germany. His views on the subject of a university in New York City have been referred to in a former chapter. ✓ [In his plan for the organization of Girard College, published in 1834, he claimed that our country stood in need of a polytechnic school.] In Girard College, he would have the youth instructed as to the political character of man, the nature of our institu-

tions, and the mechanism of nations; while he recommended mechanical education in workshops. The plan made provision for gymnastics and a swimming school, and urged scientific singing as the best exercise for the development of the chest. The branches to be taught were morals, religion, writing, drawing, grammar, literature, mathematics, pure and applied, astronomy, architecture, natural sciences, machine building, politics and history, mental and moral philosophy, French, Spanish, German, and Latin. All instruction was to be vested in the five faculties of mathematics, history, philosophy, philology, and arts. Lieber gave the following explanation of his proposed plan: "The scientific character, therefore, which I believe it is necessary to give to the College is, that it shall be a polytechnic college and a seminary for teachers; two things which may be admirably combined, and I shall consider it as my happiest labor if the following Constitution shall appear to you to provide for these wants, and I shall thus contribute my mite to assist our nation in fulfilling its great and proud task, imposed upon it by history."

In 1835, Lieber's views on "The Relation Between Education and Crime," appeared in the form of a letter addressed to Bishop White. In this essay, he gave the following as the sources of many crimes:

1. Deficient education, early loss of parents, and consequent neglect are some of the most fruitful sources of

crime; 2. That few convicts have learned a regular trade, and if they were bound to any apprenticeship, they have abandoned it before the time had lawfully expired; 3. That school education is, with most convicts, very deficient, or entirely wanting; 4. That intemperance, very often the consequence of a loose education, is a most appalling source of crime; 5. That by preventing intemperance, and by promoting education, we are authorized to believe that we shall prevent crime in a considerable degree.

✓ [Lieber laid great stress upon the importance of education in politics. He believed that the State should be interested not only in the promotion of education among the poor, but that a complete system of public instruction comprehends all institutions which are necessary for society, and which cannot be established by private means. He maintained that even the lowliest cottager has a right to the highest possible degree of cultivation in the sciences. He looked upon the following four qualities as of much importance in education applied to politics: the habit of obedience, of independence, of reverence, and of honesty.]

In his inaugural address, delivered on February 17, 1858, on assuming the chair of history and political science in Columbia College, Lieber made an eloquent plea for a national university in our country, sharing the views held by Washington and other statesmen of

the day. For twenty years he had been urging the establishment of a real university in America, and, in 1857, at his suggestion, Columbia College took a step in that direction. His inaugural address has a peculiar interest to-day on account of the recent discussion on the national university. It serves also to illustrate his exalted ideal of the relation of the State to higher education.

After referring to the national crisis which led to the establishment of the University of Berlin, Lieber spoke in the following beautiful language:—

“We are, indeed, not prostrated like Prussia after the French conquest, but we stand no less in need of a broad national institution of learning and teaching. Our government is a federal union. We loyally adhere to it and turn our faces from centralization, however brilliant, for a time, the lustre of its focus may appear, however imposingly centred power, that saps self-government, may hide for a day the inherent weakness of military concentrated politics. But truths are truths. It is a truth that modern civilization stands in need of entire countries; and it is a truth that every government, as indeed every institution whatever, is, by its nature, exposed to the danger of gradually increased and, at last, excessive action of its vital principle. One-sidedness is a universal effect of man’s state of sin. Confederacies are exposed to the danger of sejunction, as unitary governments are

exposed to absorbing central power — centrifugal power in the one case, centripetal power in the other. That illustrious predecessor of ours, from whom we borrowed our very name, the United States of the Netherlands, suffered long from the paralyzing poison of disjunction, and was brought to an early grave by it, after having added to the stock of humanity such worshipful names as William of Orange, and De Witt, Grotius, De Ruyter, and William the Third. There is no German within my hearing that does not sadly remember that his country, too, furnishes us with bitter commentaries on this truth; and we are not exempt from the dangers common to mortals. Yet as was indicated just now, the *patria* of us moderns ought to consist in a wide land covered by a nation, and not in a city or a little colony. Mankind have outgrown the ancient city-state. Countries are the orchards and the broad acres where modern civilization gathers her grain and nutritious fruits. The narrow garden beds of antiquity suffice for our widened humanity no more than the short existence of ancient states. Moderns stand in need of nations and of national longevity, for their literatures and law, their industry, liberty, and patriotism; we want countries to work and speak, write and glow for, to live and die for. The sphere of humanity has steadily widened, and nations alone can nowadays acquire the membership of that great commonwealth

of our race which extends over Europe and America. Has it ever been sufficiently impressed on our minds how slender the threads are that unite us in a mere political system of states, if we are not tied together by the far stronger cords of those feelings which arise from the consciousness of having a country to cling to and to pray for, and unimpeded land and water roads to move on?

“Should we, then, not avail ourselves of so well proved a cultural means of fostering and promoting a generous nationality, as a comprehensive university is known to be? Shall we never have this noble pledge of our nationality? All Athens, the choicest city-state of antiquity, may well be said to have been one great university, where masters daily met with masters, and shall we not have even one for our whole empire, which does not extend from bay to bay, like little Attica, but from sea to sea, and is destined one day to link ancient Europe to still older Asia, and thus to help completing the zone of civilization around the globe?”

As we contemplate the recent development of our American universities, the words of Lieber have a special significance. We are just entering upon that promising era of liberal ¹⁸⁴⁹ education, which he anticipated forty years ago, and which is beginning to glow with the far-reaching spirit of a stronger nationality.

On January 15, 1831, Lieber wrote to Ranke, the

historian, as follows: "As it is said of the great Copernicus that to the fact that he happened to live in Italy is due the sublime idea of his planetary system, so it is important for the historian to live in a politically active country, such as England or the United States. In Germany, the student of history can learn it only in the libraries; in Italy, in retrospection; but in England and America, in its actual existence. And for the present time, of which the key is the democratic principle,—I mean this only in opposition to the feudal principle, and not with regard to power,—the United States and France seem to me to be the high schools of history."¹

When Lieber was elected professor of history and political economy in South Carolina College, he became the first full professor of these branches that the College ever had, and he gave more extended courses than were offered at the time in the largest institutions of the country. It was not until two hundred years after the founding of Harvard, that the study of history was given any prominence in that institution. In 1839, a special chair was endowed, and Jared Sparks was made professor of ancient and modern history. Before this time, it was customary to devote an hour to history on Saturday mornings for half a year. As early as 1822, general history, as distinguished from classical, appeared in the curriculum of Yale College, and the same year, Kent's "Commentaries" became a Senior study. No

¹ "Life and Letters of Francis Lieber," by Thomas Sergeant Perry, p. 89.

further development took place until 1847, when Dr. Woolsey became president of the College. Then political philosophy was added to the course, and while Woolsey was engaged in gathering materials for his great works, Lieber was composing his famous treatise on "Civil Liberty." In 1857, the same year that Dr. Andrew D. White carried new methods in history to the University of Michigan, Lieber began his career in Columbia College. As early as 1773, John Vardill was appointed professor of natural law at Columbia, while in 1775, he was made professor of history and the languages. A great stimulus was given to historical studies in the College by Dr. McVickar, who, in 1817, was made professor of philosophy, and within a year, political economy was added to his department. [It was not until Lieber's call to Columbia that the College gave a prominent place to institutional history, and the year 1857, may be regarded as a landmark in historical culture among our Northern colleges.]

Lieber's scheme of historical instruction was far more comprehensive than any undertaken before his time. During his early years at South Carolina College, the Freshman class studied ancient history to the Peloponnesian War; the Sophomores to Alexander the Great; the Juniors studied modern history, while he lectured to the Seniors on political economy. In Columbia College, his range of subjects was far more extensive, including modern history, political

science, international law, civil law, and common law. The Trustees had a very large conception of the powers of endurance of the historical professor. To-day, the subjects assigned to Lieber would be distributed among half a dozen men. It is no wonder that President Barnard was dissatisfied with the arrangement, and urged that the chair of history be abolished. But the Trustees continued the same policy after Lieber had been transferred to the Law School, as the resolution of October 9, 1865, indicates.

Many of Lieber's former students and associates have related interesting memories of his work as a teacher. Colonel C. C. Jones, the historian of Georgia, was one of his pupils in South Carolina College, and he regarded it a genuine privilege to learn at his lips. His classes were always crowded, and he tried to impress upon the students the continuity of history, the unity of the human family, and the great principles that underlie human society. The surroundings of his lecture-room all tended to enkindle in the student a desire for liberal knowledge. There were to be found, of course, the ordinary maps, charts, and globes that are indispensable in the room of the historical professor. He made free use of blackboards, one of which he assigned to the illustration of historical lectures. He called it the "battle blackboard," and it was permanently marked in columns headed: name of the war; in what country or

province the battle; when; who victorious over whom; effects of the battle; peace. He directed his students always after having finished an important period, to make synchronistic tables of the same. They pasted yards of paper together in order to be able to get around the earth. (Many of the students told Lieber that these tables opened to them an entirely new field.) The walls of his lecture-room were also graced with the busts of the great men of ancient and modern times, and each new class contributed one or two. There, as mute witnesses of the past, stood Homer, Demosthenes, Socrates, Cicero, Shakespeare, Milton, Kant, Goethe, Humboldt, Luther, Washington, Hamilton, and William Penn. The illustrious trio, Webster, Calhoun, and Clay were also represented, as were two of the favorite public servants of South Carolina, Preston and McDuffie. Washington's bust was at the entrance to his lecture-room, with these words painted under it on the wall: *Fortis et Probus—Justus et Tenax*. He was fond of quoting the maxims of great scholars, and one day while telling the Juniors that they came to college to learn not for the college, but for life, the words of Seneca occurred to him, *Non scholæ discimus, sed vitæ*; "we do not learn for the school, but for life." This idea fastened on his mind, and he had made a tablet with these words: *Non scholæ sed Vitæ; Vitæ utrisque*,—"not for the school, but for life; the life

here and hereafter." This tablet was fastened against the wall right over Washington's bust, and this bust was immediately over Lieber's head when he lectured.

Lieber's colleagues in the Faculty of South Carolina College had the highest regard for his worth as a teacher, to which Professor la Borde bears the following willing testimony: "To his classes, he poured out his learning in one continued stream; and sometimes it confounded from its very profusion. Full of enthusiasm in the pursuit of knowledge, he always exhibited the greatest earnestness of purpose. Of the amount of his labors in the College, it is not easy to form a correct estimate. His whole time, with but little relaxation, was devoted to the severest toil. From his study to his classroom, from his classroom to his study—this was his life; and yet with all this labor, his spirit was fresh, and his ardor unabated. Never have I known a more unsatiable appetite, and he was ever in search of food for its gratification. But not to indulge in metaphor, I have never met a more inquiring mind. He was always in quest of knowledge and drew it from every source. Like Franklin, he would extract it even from the ignorant and unthinking, and thus he levied his contributions upon all. All know how suggestive a fact may be to a thoughtful mind, and what beautiful superstructures of knowledge have been reared from the humblest beginnings. [Overflowing with knowledge on such a

variety of subjects, he had it in his power to render a particular service to the young men of the College, which I have always regarded of immense value. In the many public exercises which they are required to perform, such as speeches at the exhibition, at commencement, before the societies, and prize essays, nothing was more common than to seek a conversation with Lieber, who would suggest the plan of discussion, and point to the best sources of information. His lectures and published works, too, furnished a mine of thought and knowledge, from which the richest treasures were drawn."

One of Lieber's most intimate friends was Hon. M. Russell Thayer, of Philadelphia. They became acquainted during the Civil War, while Mr. Thayer was a representative in Congress, and Lieber was a frequent guest at his house. On January 13, 1873, Mr. Thayer delivered a eulogy on his life and character before the Historical Society of Pennsylvania, in which he spoke of his work as a teacher in the following language: "His method of teaching was such as to make the subject attractive in the highest degree to his students, and they thoroughly understood everything they learned. He never read lectures, but expounded his subjects in terse, familiar language, and impressed them by copious and happy illustrations. At the end of every recitation he gave out what for the next time they ought to read collaterally, and

what peculiar subjects or persons they ought to study besides the lesson. He caused them to read poetry and fiction in connection with history, in order to see how great writers had conceived great characters.] He relied much upon the blackboard. To one he would give chronology, to another geography, to another names, and to another battles. Four large blackboards were in constant use at the same time, and often a considerable portion of the floor besides. All names were required to be written down, sometimes sixty or seventy by one student, with a word or two showing that the writer knew what they meant. All places were pointed out on large maps and globes. All definitions were written on the blackboard, in order that there might be no mistake. He always appointed a lesson, but the students when they came did not know whether they were to recite or listen to a lecture; so that they always had to be prepared. ✓ [Notes of his lectures were to be taken, and he required each student to have a blank-book, wherein they must enter titles of books and subjects to be studied in later life—such as were necessary for an educated man; and he was particular in requiring this blank-book to have a firm cover. He used to say that books were like men, of little use without a stiff back.]

Lieber fully realized the solemn responsibilities connected with his position as a teacher of history and

politics. With him, history was something vastly more important than a mere record of the growth of nations. He sought to discover the sure principles upon which human society is founded; to point out conspicuous examples of virtue or vice; to examine the operation of wise laws, and to remind the student of the national ruin that inevitably follows the disregard of right and duty. In his inaugural address in South Carolina College, in 1835, he portrayed in vivid language the arduous task and the potent influence of the historical teacher. He said: "I know of but few stations more dignified than that of a public teacher of history; scarcely of one more elevated than that of a teacher appointed by a republic to instruct her children in civil history. For if history is a science important to every one, it is peculiarly so to republicans—to members of a community which essentially depends upon institutions. If they have to defend them against open attacks or plausible heresies, they must know them, must be well acquainted with their essential character, as well as with the insinuating plausibility and the ruinous consequences with which those undermining heresies have been advanced with other nations and in distant ages. History is the memory of nations; oh! how many have been lost for want of this memory, and on account of careless, guilty ignorance!" To say that Lieber taught history and political science, conveys no adequate notion of the scope of his work. His course of study

could not be stated in terms of a curriculum. It was an inspiration, which infused the noblest sentiments into the minds of his pupils. In his "Civil Liberty and Self-Government," he reviews the character of his work as a teacher of history in the following dedication to his former students: "When you were members of this institution, I led you through the history of man, of rising and of ebbing civilization, of freedom, despotism, and anarchy. I have taught you how men are destined to be producers and exchangers, how wealth is gathered and lost, and how, without it, there can be no progress and no culture. I have studied, with many of you, the ethics of states and of political man. You can bear me witness that I have endeavored to convince you of man's inextinguishable individuality, and of the organic nature of society; that there is no right without a parallel duty, no liberty without the supremacy of law, and no destiny without earnest perseverance—that there can be no greatness without self-denial." Through you, my life and name are linked to the Republic, and it seems natural that I should dedicate to you a work intended to complete that part of my 'Political Ethics' which touches more especially on liberty. You will take it as the gift of a friend, and will allow it kindly to remind you of that room where you were accustomed to sit before your teacher with the busts of Washington, Socrates, Shakespeare, and other laborers in the vineyard of humanity looking down upon us."

Lieber regarded the environment and position of the teacher of history in this country as especially favorable to productive work. In contrasting antiquity with modern times, he saw in the former but one leading nation at any given period, while in our day, "several nations strive in the career of progress like the coursers of the Greek chariot." While in ancient times, the philosopher made his appearance after the period of high vitality had passed, the modern teacher lives in a productive age, and has aided in bringing on greater epochs of progress. He defined the teacher of to-day as one whose lot is not merely the summing up of the political life of a golden age never to be surpassed. While Schlegel called the historian "the prophet of the past," Lieber would honor him as "the sower of fresh harvests." [While the ancient historian could speak only of the ruin of departed states, Lieber pictured for the modern teacher a bright career in guiding statesmanship, in modifying the course of passion, and in giving an impulse to essential reforms.¹]

Although living in an intensely political age, Lieber belonged to no party while teaching. His was the position of the publicist, and he experienced what calmness, resolution, and steadiness of soul it required to lecture on the subjects belonging to his chair. He enjoyed, especially at Columbia College, the utmost freedom in teaching. Realizing that he could obtain

¹ "Miscellaneous Writings," vol. 1, p. 373.

no party reward from his position, his highest ambition was to be known as a wise and earnest teacher. With a sacred trust placed in his hands, he kept before him at all times the motto:—

“PATRIA CARA, CARIOR LIBERTAS, VERITAS CARISSIMA.”

VII

POLITICAL PHILOSOPHY: POLITICAL ETHICS — LEGAL AND
POLITICAL HERMENEUTICS — CIVIL LIBERTY — PENAL
LAW — THE PARDONING POWER — OUR CONSTITUTION

ON one occasion Lieber wrote from his Southern exile: "Did I live an active life in some high sphere of action, I should not care for discomforts, or even poverty. Give me an army to conquer, and I should be satisfied with one wooden bowl, as Omar was. There are few in the world who can realize my situation. People who live in intellectual and social communion do not know how much they owe, as to incitement, the starting of ideas, and their regulation and modification, to that communion. The mere seeing a few persons who reflect and think,—it need not be in the same line,—and who are befriended with us, stirs, animates, vivifies. The mind is sharpened again as the razor on a strop. Now, I have not one, not even one, here who sympathizes with me, still less one from whom I could derive stirring knowledge in my sphere." Such were Lieber's feelings when he began to write upon those subjects that had long occupied

his mind. It was not given to him to lead an active life in the North, or to receive a foreign mission where he might enjoy Europe, with her science and her art. The solitude of the South deprived him of these pleasures, but opened up to him instead a career of rich production. The very loneliness of his situation contributed to the fame of his writings; for in treating the subject of political science he had to venture upon an untrodden path, where friends could offer but little advice. His work required mental isolation, and he once said: "My book, as it is before the public, I have been obliged to spin solitarily out of my brain, as the spider spins its cobwebs." It is a most interesting study to follow Lieber in his transition from a young enthusiast for freedom, writing poems on love, liberty, and friendship, to a great publicist, known by his works in every land of progress.¹ On coming to America, his deep enthusiasm for freedom was followed by a careful study of the principles of well-ordered liberty. He realized that it was a dangerous path he had to follow. In his inaugural address in Columbia College, on February 17, 1858, he showed how the intense

¹ "We wonder, as we become acquainted with him in the writings of his mature life, how there could have been any froth of liberty in his youth which brought suspicion upon him, and can only account for the treatment he received from the police of his native country by that dread of revolution which French movements during a generation had aroused, and which, with unnatural sharpness of sight, saw in the youthful deliverers of their country the foes of kings." — DR. T. D. WOOLSEY, IN INTRODUCTION TO CIVIL LIBERTY AND SELF-GOVERNMENT.

interest in history and politics had developed schools, and he warned all against the danger of falling into serious errors. During his youthhood in Germany two opposing schools of law and politics existed. "The so-called historical school sprang up, which seems to believe that nothing can be right but what has been, and that all that has been is therefore right, sacrificing right and justice, freedom, truth, and wisdom at the shrine of Precedent and at the altar of Fact. . . . Another school has come into existence, spread at this time more widely than the other, and considering itself the philosophical school by way of excellence. I mean those historians who seek the highest work of history in finding out a predetermined type of social development in each state and nation, and in every race, reducing men to instinctive and involuntary beings, and society to nothing better than a bee-hive."¹ But Lieber rose above these opposing forces. He had an ideal nature, but his contact with the stern realities of life had toned him down. While many political philosophers had merely formed ideals, he had learned by cold experience. His enthusiasm had brought him into conflict with the Prussian authorities, while the Waterloo campaign, the prison life, the flight in exile, his disappointment in Greece, his farewell to the Old World and his life in the New—all had made him conscious of the power of facts. While his

¹ "Miscellaneous Writings," vol. I, p. 340.

philosophy belonged to the system of *Naturrechtslehre*, so popular in Europe at the time, he escaped its many errors on account of his knowledge of history and of practical life.¹ In a tribute to Lieber, Dr. Bluntschli remarked: "The settlement of the old-time conflict of schools, and the union of the philosophical and historical methods, in contrast to the dangerous one-sidedness of either of the two, was a mark of great progress, effected gradually, and for the most part, since 1840, in the jurisprudence and political science of Germany; somewhat later, however, in Italy. Lieber belongs to the first representatives of this peaceful alliance, although, indeed, it had been tried by the best politicians long before, by Aristotle and by Cicero, and recommended by Bacon."²

[When Lieber made his home in America, no systematic political philosophy existed here. It was not the purpose of the Revolutionary fathers to construct a science of politics, but they wrote with the view of meeting great emergencies. Dr. Dunning says: "Our political literature, therefore, while unquestionably voluminous, is a literature of concrete controversy rather

¹ "Lieber's historical learning saved him from the most extreme and often absurd conclusions of the school with which he was identified; but his erudition itself brought confusion into the presentation of his ideas. It is a serious task to follow his system through the mass of illustrations and digressions in which it is imbedded." — *ESSAYS ON THE CIVIL WAR AND RECONSTRUCTION*, BY W. A. DUNNING, p. 361.

² "Miscellaneous Writings," vol. 2, p. 9.

than of abstract speculation." Although Jefferson and Hamilton founded political parties, they wrote no systematic philosophy. John C. Calhoun's "Disquisition on Government," is remarkable as a political essay, but it forms no complete philosophy of the State,¹ and Webster, who defended the principle of national unity, spoke as a lawyer rather than a philosopher. In practical politics there had been a more rapid development. (At the time that Lieber began his great works, the older generation of statesmen had passed away, and a new element was to be found in Congress.) The country was developing with great rapidity, and the line of statehood had crossed the Mississippi River. The slavery agitation had begun with the Missouri Compromise, and new political forces were at work in the evolution of democracy. Jackson, the first President from the mass of the people, had been called to the executive office, and the force of the doctrines of the Declaration was being felt, especially in the Northern states. A great extension of the suffrage had taken place, and property and religious qualifications were gradually removed. At that time, in the language of Chief Justice Waite, a new problem of political science was being solved, "whether it was possible to successfully work a scheme, contemplating the contemporaneous supremacy, in each of the thirteen independent commonwealths, of two governments, distinct and separate

¹ "Essays on the Civil War and Reconstruction," by W. A. Dunning.

in their action, yet commanding with equal authority, the obedience of the same people, so that each in its allotted sphere should perform its functions without impediment to or collision with the other.”¹ (As Lieber had longed for national unity in Germany, he naturally became a follower of the ideas of Hamilton and Marshall; and while the whole country was agitated over the debates of Calhoun, Hayne, and Webster, on the nature of the Union, Lieber was preparing his “Political Ethics,” the nearest approach to a political science then known in America.²)

On his appointment in South Carolina College, Lieber at once began to labor at this great production. In the summer of 1835, he wrote to Sumner: “My book is matured. It is all clear in my mind, even the six books into which I divide it, and the chapters of these books, with a mass of notes. I am now reading a long list of books, in order to receive, perhaps, new ideas or to be led to new views, to glean, perhaps, additional authorities, and to strengthen myself. The title, I think, will be, ‘On Political Ethics, or the Citizen considered with regard to his Moral Obligations arising from his Participation in Government.’” His plan was to lecture in the College on the subject, and thus to write the whole continually. He was warmly encouraged by Judge Story and Sumner, who

¹ “Constitutional History as Seen in American Law,” p. 55.

² “Essays on the Civil War and Reconstruction,” by W. A. Dunning, p. 360.

read the manuscript and rendered other valuable assistance; while he derived great advantage from the kindness of his friend, Mr. G. S. Hillard, of Boston. "He has done to me," says Lieber, "and I fondly hope through me to the public, a service which literary men will know how to appreciate, especially those who write in an idiom which they have not learned from their mother's lips." He entered into this work with all the enthusiasm that marked every undertaking of his life. The boldness of the work enticed him, and he believed that the book would be widely noticed, as the whole subject was so vital to his time.

The manuscript of the "Political Ethics" was completed in June, 1838, and Lieber made arrangements to have it published through Messrs. Little and Brown, of Boston. The influence of the work was very great from the start, the first edition being almost exhausted by September, 1839. Lieber launched forth the work in a characteristic letter to Hillard, in which he said: "Seven hundred pages! It is enough to drag a man with cork and bladder to the bottom. With such a book tied to my feet, I shall struggle in future to float on the lake of literature like a man entangled in weed. . . . No use in croaking; the book is printed; so go, my broad-bottomed duck, swim and float like a Dutch galliot as long and as well as thou canst. I have written my name on the stern. If it sinks, the name sinks with it."

*rights being
responsibilities
like Mill*

✓ The keynote to the "Political Ethics" is, "No right without its duties, no duty without its rights."¹ His field included not only a discussion of natural rights and a theory of the State, but also that large group of subjects not included in either political or legal science—public opinion, parties, factions, opposition, the obligation to vote, influence in voting, friendship in politics, love of truth, perseverance, newspaper publishing, the duty of representatives, judges, advocates, and office holders, and the pardoning power. After defining ethics as the science which treats of our moral character, the good that is within us, and the application of this good in our various relations between man and man, Lieber emphasizes the necessity

¹ "Lieber had himself translated it into French by the two words, 'Droit oblige,' and the English formula was printed at the head of all his letters. One day he noticed that the Société Internationale at the Congress of Geneva had appropriated this device, and still later, during the reign of the Paris Commune, that they had inscribed on some banners, 'Pas de droits sans devoirs, pas devoirs sans droits.' We have his letter before us in which he expresses his vexation, and the disgust which he felt at the profanation of his favorite maxim."—G. ROLIN-JÆQUEMYNS, IN THE INTERNATIONAL REVIEW.

"In my inaugural in Columbia College in 1859, I said again what I had said before, and what occurred to my mind as early as when I sailed to Greece in 1822,—that right and duty were like the St. Elmo's flame in the Mediterranean. I was on the deck of our little schooner, when I observed a little flame at the end of the yard-arm. 'That is bad, indeed,' said the captain; and then told me that the flames were called Castor and Pollux, or St. Elmo's fire. If both appeared at the same time, it foretold a fine sailing; if only one appeared, foul weather was apprehended. Thought I, this is like *right* and *duty*: both together, and all is well; right alone, despotism,—duty alone, slavery."—LIEBER IN A LETTER TO JUDGE THAYER, *November 5, 1869.*

of man's individuality, in connection with morality and sociality, as a basis of civilization. Following this, he recognizes another science, natural law, the object of which is to show the rights which man has according to his inherent, ethical nature. In this, he claims to have shown more clearly than any other writer, the idea of the word "nature," if applied to man. [His philosophy embodies natural rights, not in primitive, but in highly civilized] man, thus reversing the order of his predecessors, who looked for the natural condition of man in an ante-political state.] Lieber's theory of natural law is based upon the axiom, "I exist as a human being, therefore I have a right to exist as a human being." The science itself is defined as the body of rights which we deduce from the essential nature of man; at the same time, natural law and ethics are considered different, the former treating of the individual's rights, and of his obligations flowing from the fact of each man's being possessed of the same rights.] Lieber's system includes a third science, that of politics³ proper, which [ascertains how these rights are best secured, and what form of government to adopt. It is this application of ethics to man's political relations which he calls political ethics.] From this ethical point of view, the State is an institution for a distinct moral end, philosophers being agreed that politics should not admit of immorality.

According to Lieber's philosophy, the State is a

society founded upon the relation of right; hence it is a jural society.¹ That he was not a follower of Rousseau, is clearly shown in the following extract on the nature of the State: "The State is aboriginal with man; it is no voluntary association; no contrivance of art, or invention of suffering; no company of shareholders; no machine, no work of contract by individuals who lived previously out of it; no necessary evil, no ill of humanity which will be cured in time and by civilization; no accidental thing, no institution above and separate from society; no instrument for one or a few; no effect of coercion, or force of the powerful over the weak; no mystery founded on something beyond comprehension, or on an extra-human base; the State is a form and faculty of mankind to lead the species toward greater perfection—it is the glory of man."² This doctrine implies that the State is the natural condition of man; that even in the patriarchal system, the undefined attributes of the State were united in one person; that from the earliest ages the idea of property existed; that justice was administered; that rights were acknowledged, and that where these conditions are found, there is the State, although it may be in an incipient condition.³

¹ Referring to this definition, Lieber once said, "Hence the necessity for me to form even a new word—*Jural*."

² "Political Ethics," vol. 1, p. 162.

³ "Down to this time, the two names which stand highest in our American literature of political science are Francis Lieber and Theodore D. Woolsey.

*one man's rights end
where another's begin. Here
sovereignty decides
Mill*

[Lieber claimed to be the first to make sovereignty an attribute of society, giving a new definition of it, and separating it from supreme power. His philosophy recognizes sovereignty as a power inherent in and existing in society.] The argument may be briefly stated thus: "There is an absolute necessity of man's living with man in relations of right, of rules which guide his actions, of power to enforce these rules when not willingly obeyed, or of deciding where the rights of various individuals clash with each other—an absolute necessity of man's living in society and of his being protected therein. And this absolute necessity, with the power necessarily flowing from it over all outward relations, we call sovereignty." He maintained also that he was the first to give the real attributes of sovereignty—public opinion, law, and power. He defines public opinion as an irresistible sentiment of the community giving life to the law, and forming the link between society and the State; law, as public opinion transferred over into public will; and power, as a force drawn from the sovereignty of society, and whoever opposes this power must yield.

The former was, as everybody knows, a European, educated under European institutions, and a refugee from their oppression, as he regarded it. The latter was Lieber's ardent admirer,—we might almost say disciple. It is not strange that they should have suffered under the power of the old influences, and should have confounded in some degree, at least, state and government in their reflections."—POLITICAL SCIENCE AND CONSTITUTIONAL LAW, BY DR. J. W. BURGESS, vol. 1, p. 70.

The "Political Ethics" treats also the subjects of legitimate governments, the best form of government, obedience to the laws, political parties, representatives, etc. Lieber made a conscious effort throughout the work to reconcile the differences of the historical and the philosophical school. That he was eminently successful in this endeavor is shown by the testimony of Bluntschli and other foreign publicists.

✓ [This great work attracted the attention of scholars on both sides of the Atlantic. In England, it was compared favorably with the works of Montesquieu; while in America, it won the admiration of our foremost lawyers and historians. Judge Story said of it: "It contains by far the fullest and most correct development of the true theory of what constitutes the State, that I have ever seen. It abounds with profound views of government, which are illustrated with various learning. To me, many of the thoughts are new, and striking as they are new. I do not hesitate to say that it constitutes one of the best theoretical treatises on the true nature and objects of government which has been produced in modern times, containing much for instruction, much for admonition, and much for deep meditation, addressing itself to the wise and virtuous of all countries. It solves the question what government is best by the answer, illustrated in a thousand ways, that it is that which best promotes the substantial interests of the whole

people of the nation upon which it acts. Such a work is peculiarly important in these times when so many false theories are afloat, and so many disturbing doctrines are promulgated." Judge Kent regarded the "Political Ethics" as a sure pilot in the most dangerous navigation,¹ and he wrote to Chancellor de Saussure, of South Carolina:—

"Lieber's eminence as a scholar in history, political economy, ethics, principles of government, geography, and belles-lettres, would elevate the reputation of any university in our country. His talents, his learning, and his great moral worth are conceded by all his extensive acquaintance, among whom are some of the first scholars and jurists in the United States."

The favorable reception of the "Political Ethics" made Lieber all the more ambitious of literary honors. He wrote to Sumner: "I will not rest until I force the political and legal world to quote me. Let me but have leisure, and not live on the outskirts of the literary world, and I will do it." The appearance of his "Legal and Political Hermeneutics" in 1839, contributed much to the fulfilment of his

¹ "Dr. Francis Lieber in his 'Manual of Political Ethics' has shown with great force and by the most striking and apposite illustrations, the original connection between right and morality, and the reason and necessity of the application of the principle of ethics to the science of politics and the administration of government. The work is excellent in its doctrines, and it is enriched with various and profound erudition."—KENT'S COMMENTARIES, vol. 1, p. 3.

desire for fame. A native of a common-law country, he felt that his opinion on this subject would command universal respect. One of the first articles that he read after landing in New York, was in a paper opposed to the administration of President Adams. The writer founded his objections on the construction of the Constitution of the United States. Lieber's interest became thoroughly aroused, and when he began his work on "Political Ethics," he was led to reflect more thoroughly on construction and interpretation. His original intention was that the "Hermeneutics" ^{Legal + Pol.} should form two chapters in the "Political Ethics," but when he came to write down his observations, he found that they extended much beyond the proposed limits. This led him, at the advice of several professional gentlemen, to publish the material as a separate volume. He approached the subject with the utmost confidence, knowing full well its strong, as well as its weak points, and as it was completed, he claimed it to be entirely his own. [His distinction between interpretation and construction is especially important, and has been widely adopted by legal writers. Interpretation is defined as "the art of finding out the true sense of any form of words; that is, the sense which their author intended to convey, and of enabling others to derive from them the same idea which the author intended to convey." Construction, on the other hand, is regarded as the

drawing of conclusions respecting subjects that lie beyond the direct expression of the text. He compared his style in the "Hermeneutics" to that of a series of recipes in a cookery book. ✓

He adds also a few rules on the interpretation and construction of constitutions. Written instruments of government, Lieber claims, should be construed closely, because their words have been well-weighed, and because they form the great contract between the people at large. This he thinks is especially important in federal constitutions, which distinctly pronounce that the authority and power granted therein is all that is granted, and that nothing shall be considered as granted, except what is mentioned, as is the case with the Constitution of the United States. ✓

Lieber was the first to give expression to many of the principles contained in the "Legal and Political Hermeneutics," and he entered a difficult field in which there was much doubt, but little intelligent conclusion. ✓
His conclusions soon became familiar political truths, and the book served as a guide for judges and statesmen; while it also found its way as a text-book into the colleges and universities.¹ Chancellor Kent called this work, "a treatise replete with accurate logic, and clear and sound principles of interpretation, applicable

¹ In 1880, a revised edition of the "Legal and Political Hermeneutics" was prepared by W. G. Hammond, professor of law in the Iowa State University.

to the duties of the lawgiver, and the science of jurisprudence." Professor Greenleaf and Rufus Choate commended it in the highest terms, while Henry Clay declared that "no one can come out of the perusal of the treatise without finding himself better prepared than he was before to expound any writing or instrument which he may be called upon to consider."

Lieber's best known and greatest contribution to the literature of political science is his work on "Civil Liberty and Self-Government,"¹ which appeared in 1853. This treatise is a fitting monument to the struggles for liberty in every land and age, but it is especially appropriate to the close of our first half-century. During this period, the love of liberty became a universal aspiration among mankind, and the political societies of the world adopted hundreds of written constitutions. While only a few of those constitutions have survived, they all serve to illustrate the character of the age. Lieber compared the time to the epoch of the Reformation. "Every marked struggle in the progress of civilization," he said, "has its period of convulsion." While patriots had fought and bled for great ideas, the political institutions of the world were not yet in a settled condition. [In expounding the real nature of

¹ On "Civil Liberty and Self-Government," Philadelphia: Lippincott, 2 vols., 8vo. — London: Bentley, 1 vol., 8vo. — 1859, 2d ed., enlarged and corrected, 2 vols., 8vo., — 1874, 3d and revised edition, by T. D. Woolsey, pp. 622, 1 vol., 8vo

political liberty, he ~~thus~~ led mankind through a maze of doubts and false principles to the clear light of truth. The "Civil Liberty and Self-Government" bears testimony in almost every page of the great struggle for free institutions in Europe. The author had been profoundly impressed by the events of 1848 in Germany, while his disgust for the new empire of Napoleon III. was so marked, that there frequently appears in the book a contrast between Anglican and Gallican liberty.

In the "Civil Liberty and Self-Government," Lieber endeavors to answer the questions: In what does civil liberty consist? How is it maintained? What are its means of self-diffusion, and under what forms do its chief dangers present themselves? In answering these questions, he discusses ancient and modern liberty, ancient, mediæval, and modern states, national independence and personal liberty, the rights of personal locomotion, emigration and petition, liberty of conscience, supremacy of law, taxation, division of power, representative government, the independence of the judiciary, parliamentary law, institutional self-government, etc. [The term "civil liberty" is defined as a protection or check against undue interference, whether this be from individuals, from masses, or from government.¹] This definition includes certain measures, institutions, and guarantees or forms of government, by which the people secure an unim-

¹ "Civil Liberty and Self-Government," p. 40.

peded action in those civil matters which appear most important. The idea of Anglican liberty was entirely his own. He claimed that while the English had written on the Constitution, he had treated of the elements and analyzed the amount of actual liberty enjoyed by free nations. Anglican liberty he describes as that system of guarantees which our race has elaborated, of those rights which experience has shown to be most exposed to danger of attack by the strongest power in the State.¹ The most important guarantees enumerated are the prohibition of general warrants, the *habeas corpus*, bail, a well-conducted penal trial, freedom of communion, the right to assemble and petition, freedom of speech and of the press, liberty of conscience, protection of private property, and subordination of the military power. He next considers a class of guarantees which relate more particularly to the government of a free country. Among these, are publicity, the division of government into three distinct functions, the representative system and the independence of the judiciary. The last constituent of liberty which he treats is that of local self-government. This he calls the corollary of liberty, since the idea of self-government is founded on the willingness of the people to take care of their own affairs. He characterizes Anglican liberty by union, Gallican liberty by unity, the French-

¹ "Civil Liberty and Self-Government," p. 54.

man wanting the government to be a solid unit, his only concern being, who shall receive the power which government gives? Much prominence is given to our American system in the great division of Anglican liberty. Besides the guarantees already enumerated, Lieber states that there are checks and guarantees peculiar to ourselves, which constitute American liberty. These are republican federalism, separation of the Church from the State, greater equality, an acknowledgment of abstract rights in the citizen, and a more popular cast of the whole system. Besides the above, he mentions our ballot system, with its devices to prevent intimidation, the fact that the Executive cannot adjourn Congress, that no *ex post facto* law or bill of attainder can be passed, and that we do not allow our legislatures to become omnipotent. He emphasizes also another characteristic of American liberty—the freedom of our rivers. While in all periods of history, the agency of rivers has been thwarted by man, he sees in America a navigable river flow of forty thousand miles entirely free to the fleets of commerce. Above all, he states that our liberty is further guarded by a written constitution; that while England has an accumulative constitution, ours contains the elements of certainty, and we can, at all times, feel assured that we have a positive form in which to trust.

The chapter on institutional liberty and the essays

on the institution were original with Lieber.¹ It was his theory that the value of a nation's history can always be tested by the degree of institutional energy which that nation has displayed. This part of the "Civil Liberty and Self-Government" traces the love and habit for liberty to their source in a vast system of institutions, of which the various forms of local government in Great Britain and the United States are familiar types. Lieber remarks that "institutional self-government distinguishes itself above all others for tenacity, and a formative, assimilative, and transmissible character"—tenacious, for although the hosts of the conqueror could destroy cities and lay waste the fairest regions, these institutions remained invincible; formative, assimilative, and transmissible, for wherever English power extends, the vital character of self-government prevails. Thus, he fittingly calls England the great mother of republics, and shows how the United States each year assimilates several thousand foreigners by means of our peculiar institutions of liberty.

[This work was received with great favor, both at home and abroad. In 1854, it was adopted as a text-book in Yale College, and the same year Mittermaier began its translation into the German language. It proved of great value to the judges of the courts, the Chief Justice of Michigan acknowledging that he

¹ "Life and Letters of Francis Lieber," by Thomas Sergeant Perry, p. 264.

could not have written certain decisions without the "Civil Liberty." Lieber was confident that his fame as an authority in political philosophy was now secure. He wrote to his son Hamilton: "I know that I shall be acknowledged by high authorities, and that my book will be cited years hence; but whether it will have an extensive sale is another matter." As in his earlier writings, he endeavored likewise in the "Civil Liberty" to unite the philosophical and the historical spirit. In this, he claimed to be more successful than any other writer since the time of Aristotle.

Lieber was interested throughout his life in the subject of penal law. When de Beaumont and de Tocqueville published their report on American prisons, they requested him to translate it into English, which he did in 1833, adding copious notes, for which he received the thanks of some of our leading jurists. In 1835, he wrote to Mittermaier: "Do not fear that I shall give up writing my penology. It is one of the thoughts which has taken possession of my mind, and which will occupy me until I have mastered it. The whole subject in its elementary, legal, psychological, material, and historical aspects is clear in my mind, entirely so, and I shall not rest until I have accomplished the work. Still, I beg you to encourage me, for it does my soul good to have the approval of able men. I hope to show that it is the duty of the State to reform the criminal; at all

events, it must be her aim not to make him any worse. In this respect, I differ from Feuerbach, and all other publicists. On the other hand, I am far from taking the sickly religious and sentimental view. I have seldom seen any good result from exciting the prisoner's feelings in religious matters, but a great deal of good has been done by bringing him to a proper knowledge of his relation to the Creator. The experience of the superintendents of prisons confirms me in this opinion." The proper occasion never came for Lieber to make a full and systematic presentation of his thoughts in a volume, but in 1838, his views on penal law were published as an essay by the Philadelphia Society for Alleviating the Miseries of Prisons.¹ The sentiment of this treatise is well-expressed in the phrase, "mild laws, firm judges, calm punishments." He lays down forty-one rules to govern sound punishment, the leading ones being, that we must strive to produce the greatest effect with the fewest means; the means must effect the object we wish to obtain; the means must not defeat or counteract the object we strive for; punishment must proceed from the State, and not be left to private revenge; the State in punishing protects, and it should know of no revenge; punishment ought to be calm in character and possessed with certainty; the State in punishing, must never sink to the level of the offender.

¹ "Miscellaneous Writings," vol. 2, p. 471.

[In 1848, the friends of Prison Discipline requested Lieber to make a report on "The Pardoning Privilege and its Abuse," which the legislature of New York afterward published as a document.¹] While admitting that the pardoning power is a necessity, he agrees in many particulars with the penal reformer, Beccaria, whom he quotes as follows: "As punishments become more mild, clemency and pardon are less necessary. Happy the nation in which they will be considered as dangerous! Clemency, which has often been deemed a sufficient substitute for every other virtue in sovereigns, should be excluded in a perfect legislation where punishments are mild, and the proceedings in criminal cases regular and expeditious." [Lieber's report contains several valuable suggestions for a reform of the pardoning power, some of which have been embodied in the later state constitutions.] [His other chief contributions to political science are two lectures on "What is Our Constitution—League, Compact, or Government?" delivered in 1861; a fragment on "Nationalism and Internationalism," written in 1868, and dedicated to General Grant, and a treatise on "The Rise of our Constitution and its National Features," almost ready for publication at the time of his death. His views on the Constitution are thoroughly national, and he looked upon the United States as a nation full of vigor and strengthened by unity. His paper on "Na-

¹ "Civil Liberty and Self-Government," p. 431.

✓ tionalism and Internationalism," ^{the latter} attracted the attention of European scholars, and the Italian publicist, Garelli, called it the "Golden Tract."¹ In this paper, Lieber regards the national polity as the normal type of modern governments. While the city-state was the leading type of antiquity, and the feudal system of the Middle Ages, he characterizes the present as the national period, in which many leading nations flourish at the same time ✓ under the protection of one law of nations. [He outlines for the term "nation," the following comprehensive definition, which has been widely adopted by later writers:] "The word 'nation,' in the fullest adaptation of the term, means, in modern times, a numerous and homogeneous population (having long emerged from the hunter's and nomadic stage), permanently inhabiting and cultivating a coherent territory, with a well-defined geographical outline, and a name of its own—the inhabitants speaking their own language, having their own literature and common institutions, which distinguish them clearly from other and similar groups of people; being citizens or subjects of a unitary government, however subdivided it may be, and feeling an organic unity with one another, as well as being conscious of a common destiny."

¹ "Miscellaneous Writings," vol. 2, p. 221.

VIII

POLITICAL PHILOSOPHY CONTINUED: INTERNATIONAL LAW — MILITARY LAW

IN considering Lieber's services to the development of international law, Dr. Bluntschli wrote: "Lieber was the first to propose and encourage the idea of professional jurists of all nations to come together for consultation and to establish a common understanding."¹ He thus crowned his declining years with the noblest work of the publicist—an endeavor to secure permanent friendship among the great nations of the earth. "In ancient times," he said, "one people always swayed and led," but modern nations exist together and agree in much, having one alphabet, the same system of notation, one division of time, one mathematical language, a united mail and telegraph system, an international literature, and a common history of civilization. He observed that the process of internationalizing is now going on, and with it, the all-pervading law of interdependence. In describing the new character of modern nations he wrote: "The civilized nations have come to constitute a community of nations, and are daily

¹ "Miscellaneous Writings," vol 2, p. 7.

forming more and more, a commonwealth of nations, under the restraint and protection of the law of nations, which rules, *vigore divino*. They draw the chariot of civilization abreast, as the ancient steeds drew the car of victory.”¹

Lieber's correspondence during the last ten years of his life indicates that his chief interest was in the subject of international law. He wrote frequently to Sumner, Garfield, Andrew D. White, Judge Thayer, Dr. Bluntschli, and von Holtzendorff, proposing a congress of all maritime nations, to deliberate some of the questions, relating to the law of nations, that were left unsettled at the peace of Paris. He suggested that each power should send two jurists, and he had in mind more than twenty canons that might be settled by such a congress. He soon came to the conclusion that it would be much better to establish a private congress, “whose work would stand as an authority by its excellence, truthfulness, justice, and superiority in every respect.” His contributions to international law consist of the following essays:² “The Value of the Plebiscitum in International Law;” “The Latin Race;” “Suggestions on the Sale of Arms by the United States Government during the Franco-Prussian War;” “International Arbitration,” and “International Copyright.” In “The Value of the

¹ “Miscellaneous Writings,” vol. 2, p. 223.

² Ibid., p. 301.

Plebiscitum," published in the *New York Evening Post*, in 1871, the point is raised whether it was according to good faith and international honor for Germany to acquire French territory, without the inhabitants of the respective territories having expressed themselves in a plebiscitum. Lieber regarded the plebiscitum as a Bonaparte innovation and a failure, arising among people the least expert in international politics. In his treatise on "The Sale of Arms by the United States during the Franco-Prussian War,"¹ he defined contraband of war as "everything, animate or inanimate, deemed at the time necessary for the commission of acts of hostility between belligerents on sea or land." His definition included arms, war-ships, ammunition, and all materials indispensable for the pursuit of war, while all materials for sustenance, comfort, and necessity were excluded. He took occasion to offer the following suggestions to be observed in international polity:—

¹An act of Congress, of March 3, 1825, authorized the President to sell injured arms belonging to the United States. At the close of the Civil War the government had a large number of muskets on hand, not damaged within the meaning of the act of 1825; accordingly, in 1868, Congress passed an act authorizing the Secretary of War to dispose of the military stores on hand. Although President Grant issued a proclamation of neutrality on the outbreak of the Franco-Prussian War, it was charged that the vessel, *Ville de Paris*, carried a load of arms to France, sold not by our government directly, but through intermediate agents. A committee of investigation of the House of Representatives reported that since our government was engaged in such sales prior to the war between France and Germany, it had a right to continue the same during the war.

1. Let all privateering be done away with, and acknowledge private property of citizens belonging to belligerents on the high seas as it is acknowledged on the land.
2. Adopt the rules of the treaty of Washington.
3. Define contraband of war as he defines it.
4. Let it be proclaimed that the law of nations is the supreme law of the race.
5. Protect persons and property of aliens though they belong to belligerents.
6. Protect internationally literary property.

On September 17, 1865, Lieber sent a letter to Hon. William H. Seward, outlining, in a formal manner, his views on international arbitration. This letter was called forth by the contention between Great Britain and the United States over the Alabama Claims. Lieber was opposed to the practice of choosing monarchs as arbiters between nations, and he favored the plan of referring international complications to the law faculty of a foreign university. He would rather trust a case of great importance to a Hugo Grotius or to a law professor than to the ruler of any empire. "Great universities," he said, "have been appealed to in former times, though it was generally in theological matters. Within the different countries, such as France or Germany, they have indeed been appealed to, and still are occasionally so,

at least in the last-mentioned country, in civil and penal matters; why should we not seize upon these institutions, themselves characteristic of our own civilization, in international matters? The adoption of the proposed plan would be a signal step in the progress of our race. There is no nobler sight than the strong—be they single men or nations—laying down their strength, like a sword by their side, saying, ‘We shall abide by the judgment of the just; let justice be done.’”

Lieber realized the necessity of bringing emigration and immigration within the domain of international law by special treaties. While admitting that emigration is one of the inalienable rights of man, he claimed that the State, by its attributes of national sovereignty, has the right to regulate, or even to prohibit immigration in cases of great necessity. In a letter to Dr. Bluntschli, he proposed the following regulations:—

First. Health on board the ships.

Second. The prohibition of transporting criminals or paupers.

Third. The appointment of international officials at the chief seaports.

Fourth. Good treatment of immigrants.

He wrote a letter to Secretary of State Fish, urging the establishment of a National Board of Immigration; and in 1871, he prepared a bill to establish a record

of naturalization in the Department of State, which Garfield introduced in the House of Representatives. This measure required that a record should be kept of every declaration of intention, and of every final naturalization, and that there should be published annually a complete list of all foreign-born citizens of the United States naturalized during the past year. While the bill failed to become a law, it showed Lieber's high purpose of placing immigration under national control.

His views on the international copyright were outlined in 1840, in the form of a letter to Hon. William C. Preston, United States Senator from South Carolina. Lieber was one of the first to advocate the international copyright in this country. He was familiar with its operations abroad, Prussia being the first government to adopt this system. In 1837, a law was passed that every country might secure copyright for its authors in Prussia upon granting reciprocity, while, in 1840, England followed her example. He justified the international copyright from the very nature of property itself, and where intellectual exertion is united with manual labor, mankind are all the more willing to acknowledge the individual title in property. Literary compositions, he claimed, were entitled, beyond a doubt, to be classed as individual property, since personal and intellectual activity appear clearest in them.

✓ [Lieber's services to international law] are beautifully

described by two foreign writers, Dr. Bluntschli and G. Rolin-Jæquemyns. "Lieber had great influence, I may add," writes Dr. Bluntschli, "in founding the *Institut de Droit International*, which was started in Ghent, in 1873, and forms a permanent alliance of leading international jurists from all civilized nations, for the purpose of working harmoniously together, and thus serving as an organ for the legal consciousness of the civilized world. Lieber was the first to propose and to encourage the idea of professional jurists of all nations thus coming together for consultation, and seeking to establish a common understanding. From this impulse proceeded Rolin-Jæquemyns' circular letter, drawn up in Ghent, calling together a number of men eminent for their learning. This latter proposal to found a permanent academy of international law met with general acceptance, but this was merely a further development of the original idea of Lieber, which was at the bottom of the whole scheme. His notion was now approved, and the efficiency of the association was thus assured for the future."] To this may be added the following tribute from G. Rolin-Jæquemyns:¹ "Lieber's attention in late years was especially directed to international law, to the future of this science, and to its practical application. While he rejoiced in the success of Germany, his native country, he did not desire for it an unlimited empire,

¹ *Littell's Living Age*, vol. 117, p. 125.

and he was deeply impressed with the advantages which would result to civilization from the friendly rivalry of several great nations. He cherished the dream, for the realization of which he desired our coöperation, of coming to Europe, to this very spot, in order to take part in a congress of international jurists, who should be occupied in establishing the rights of the people on a rational, firm, and practical basis.”¹

✓ [During the Civil War, Lieber not only rendered valuable service to the country by opposing secession and defending our national institutions, but he also made a permanent contribution to the science of military law. He was frequently called to Washington for consultation in the War Department, and in 1863, he was requested by the Secretary of War to prepare a code of instructions for the government of the armies in the field.] The need of such a code was severely felt during the first two years of the war. The conditions prevailing then are well described by Major George B. Davis, in his “*Outlines of International Law*,” as follows: “The Federal government had succeeded in placing in the field armies of unexampled size, composed, in great part, of men taken from civil pursuits; most of whom were un-

¹ “Under all circumstances, the memory of this friend, whom we have never seen in this world but through the eyes of the soul, will ever be present to us; and whether in writing or in directing the *Review* we shall endeavor to honor him by being faithful to his motto, ‘Droit oblige.’”—G. ROLIN-JÆQUEMYS, IN THE INTERNATIONAL REVIEW.

familiar with military affairs, and so utterly unacquainted with the usages of war. These armies were carrying on hostile operations of every kind, over a wide area, and questions of considerable intricacy and difficulty were constantly arising, which required, for their decision, a knowledge of international law which was not always possessed by those to whom these questions were submitted for decision. Conflicting decisions and rulings were of frequent occurrence, in different armies, and, at times, in different parts of the same field of operations; and great harm not infrequently resulted before the decisions could be reversed by competent authority." In order to remove these difficulties and secure unity of action in the field, Lieber was commissioned to prepare a code, which should conform to the existing usages of war, and contain such modifications and additions as the pending conflict might require. The code, after revision by a board of officers, was published by the War Department in April, 1863, as "Instructions for the Government of Armies of the United States in the Field, General Orders, No. 100." The use of these rules, prepared by Lieber, ~~thus~~ became obligatory upon all the armies of the United States. The difficulty of preparing this code is evident when the fact is recalled that no work of the kind then existed in any language. "I had no guide, no groundwork, no text-book," Lieber wrote to General Halleck. "I

can assure you, as a friend, that no counsellor of Justinian sat down to his task of the Digest with a deeper feeling of the gravity of his labor, than filled my breast in the laying down for the first time such a code, where nearly everything was floating. Usage, history, reason, and conscientiousness, a sincere love of truth, justice, and civilization, have been my guides; but of course the whole must be still very imperfect." In this work, as in the "Political Ethics," and "Civil Liberty and Self-Government," law is founded on the basis of morality. [Throughout the code, two leading ideas prevail; the one, a desire to save even our enemies from unnecessary injury and destruction; the other, the necessity of displaying the greatest energy in the conduct of war, so as to speedily bring hostilities to an end, and restore conditions of peace. The work is much broader in its character than a mere code of arbitrary rules.] His fondness for an ethical treatment of great subjects is shown in the following paragraphs:—

"As martial law is executed by military force, it is incumbent upon those who administer it, to be strictly guarded by the laws of justice, honor, and humanity—virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.

"The law of war does not only disclaim all cruelty and bad faith concerning engagements concluded with

an enemy during the war, but also the breaking of stipulations solemnly contracted by the belligerents in time of peace, and avowedly intended to remain in force in case of war between the contracting parties. It disclaims all extortions and other transactions for individual gain, or acts of private revenge or connivance at such acts. . . . Men who take up arms against one another in public war do not cease on this account to be moral beings, responsible to one another and to God.

“Modern times are distinguished from earlier ages by the existence, at one and the same time, of many nations and great governments related to one another in close intercourse. Peace is their normal condition; war is the exception. The ultimate object of all modern war is a renewed state of peace.

“Ever since the formation and coexistence of modern nations, and ever since wars have become great, national wars, war has come to be acknowledged not to be its own end, but the means to obtain great ends of state, or to consist in defence against the wrong; and no conventional restriction of the modes adopted to injure the enemy is any longer admitted, but the law of war imposes many limitations and restrictions, on principles of justice, faith, and honor.”

It is interesting at this day to read in the code Lieber's views on slavery. He says:—

“Slavery, complicating and confounding the ideas of property (that is of a *thing*), and of personality (that is of *humanity*), exists according to municipal law or local law only. The law of nature and nations has never acknowledged it. The digest of the Roman law enacts the early dictum of the pagan jurist, that ‘so far as the law of nature is concerned, all men are equal.’ . . .

“Therefore, in a war between the United States and a belligerent which admits of slavery, if a person held in bondage by that belligerent be captured by or come as a fugitive under the protection of the military forces of the United States, such person is immediately entitled to the rights and privileges of a freeman. To return such person into slavery would amount to enslaving a free person, and neither the United States nor any officer under their authority can enslave any human being. Moreover, a person so made free by the law of war is under the shield of the law of nations, and the former owner or state can have, by the law of postliminy, no belligerent lien or claim of service.”

“As a matter of fact,” writes Hon. Samuel J. Barrows,¹ “there were eight states of the Union in which slavery was not abolished until two years after these instructions to our soldiers, and then by constitutional

¹ The *Forum*, July, 1898, p. 562.

amendment. But the paragraph shows that Dr. Lieber preferred the laws of humanity to some enacted by the states, and sanctioned by the Supreme Court. He succeeded, therefore, in making a military code which, in regard to slavery, was two years ahead of the Thirteenth Amendment." XX

Lieber regarded his code as a distinct contribution by the United States to civilization, and he predicted that it would be adopted as a basis for similar works by the English, French, and Germans. The greatest writers on the law of war have accepted it as a standard authority. This is verified by the testimony of Dr. Bluntschli: "These instructions, prepared by Lieber, prompted me to draw up, after his model, first, the laws of war, and then, in general, the law of nations, in the form of a code, or law book, which should express the present state of the legal consciousness of civilized peoples. Lieber, in his correspondence with me, had strongly urged that I should do this, and he lent me continual encouragement."¹ ✓

Lieber's "Instructions" are published as an appendix to a number of works on international law, and they were recognized as the chief authority, when the Institute of International Law assembled at Oxford, September 8, 1880, for the purpose of preparing a manual of the laws of war on land.

Major George B. Davis claims that, since the code

¹ "Miscellaneous Writings," vol. 2, p. 13.

was prepared for the Civil War, it does not give a full expression of the views of our government on the subject of external war.¹ The best authorities claim, however, that our Civil War presented the general conditions of an international war; and that [during the Franco-Prussian War there was but one case that could not be settled by the rules of Lieber's "Instructions."² The code is still in use, and it was reprinted and issued to the army during the recent war with Spain. in the late 1800's.]

Lieber's other chief contributions to military law consist of an essay on "Guerrilla Parties Considered with Reference to the Laws and Usages of War," prepared in 1862 at the suggestion of General Halleck, and a paper on the "Status of Rebel Prisoners of War," written in 1865. [Besides preparing these works, his correspondence with the War Department was voluminous, and his advice was sought on a great variety of questions.]

¹ "Outlines of International Law," by Major George B. Davis, p. 397.

² The *Forum*, July, 1898, p. 558.

IX

LIEBER AS AN AMERICAN — OPINION OF ENGLAND, GERMANY, AND FRANCE — HIS ATTITUDE ON PARTISAN QUESTIONS

JUDGE THAYER, of Philadelphia, remarks that Lieber was a thorough American in all his feelings,—as much so as if he had been born here.¹ He admired both America and England, for he believed in a republican government, as organized in the institutions of these countries. And yet his love for Germany continued throughout his life. On one occasion he wrote: "Can you not imagine how deeply a native German must feel again that bitter truth which envenoms his whole life, the sad historic fact that Germany has been cheated out of her noble birth-right of being a great and manly nation,—that God called her to be one of the disposing earthly gods, when they sit in council and determine history, but that man made her a waiting servant?"² At another time he said: "Germany's greatest glory is her authors, but alas! how much is wanting to the greatest glory

¹ "Miscellaneous Writings," vol. I, p. 35.

² "Life and Letters of Francis Lieber," by Thomas Sergeant Perry, p. 274.

of that noble nation, because her law and government are not glorious." During the Franco-Prussian War he yearned to go to the assistance of his native country, and on July 22, 1870, he wrote: "I am writing at random, for my very soul is filled with that one word, one idea, one feeling—Germany. The stream of blood which will flow will probably not be very long, but very wide,—wide like a lake, and very deep." A few days later he again wrote: "My German letters confirm that all Germans are animated by the noblest feelings, and are ready to sacrifice money, life, anything, in defence of their country. The fathers of families, supporting them by their hands, refuse to be refused, until the king is obliged to telegraph, 'Accept them,' and judges, and civil officers of high station volunteer, and join the ranks. And I sit here and write like a dullard. It is very hard."

Lieber's admiration for the institutions of England is well-expressed in his "Civil Liberty and Self-Government": "We belong to the Anglican race, which carries Anglican principles and liberty over the globe, because wherever it moves, liberal institutions and a common law full of manly rights and instincts, with the principles of an expansive life follow it. We belong to that race whose obvious task it is, among other proud and sacred tasks, to rear and spread civil liberty over vast regions in every part of the earth, on continent and isle. We belong to that tribe which alone has the

word 'self-government.' We belong to that nation whose great lot it is to be placed, with the full inheritance of freedom, on the freshest soil in the noblest site between Europe and Asia, a nation young, whose kindred countries, powerful in wealth, armies and intellect, are old. It is a period when a peaceful migration of nations, similar in the weight of numbers to the warlike migration of the Middle Ages, pours its crowd into the lap of our more favored land, there to try, and at times, to test to the utmost, our institutions—institutions which are our foundations and buttresses, as the law which they embody is our sole and sovereign master."

Lieber's hatred for French institutions was intense, and the forms of imperial sovereignty prevailing in France appeared to him worse than those of Russia. On April 21, 1848, he wrote to Charles Sumner: "I do not believe in a French republic. They will have a kingless government, indeed, for some years, perhaps a lustrum; but it cannot be a republic, because they have no institutions for it; they seek republicanism in a wrong place, and they dabble in generalities. Beautifully as Lamartine's proclamations are written, and noble as some, perhaps most, sentiments in them are, they contain also many radical follies. The ease with which the republic has been proclaimed and received bodes ill for its permanency. It reminds one of the change of a Parisian fashion. I plucked Louis Phi-

lippe long ago out of my heart, and have long considered Guizot like a moth bent on rushing into the flame. I allow that there was cause for an *émeute*, but nothing has shown me yet that there was cause for a revolution." Lieber had no confidence whatever in the doctrine, "Vox populi vox Dei," once so popular in France. He claimed that it was unrepblican, and that no true friend of freedom would wish to be insulted by the supposition that he believes each human individual an erring man, and that nevertheless the united clamor of erring man has a character of divinity about it. He believed that every true and stanch republican wants liberty, but no deification either of himself or others.

As an American, Lieber did not become a partisan, although in his time our country passed through the most violent civic strife. He could not endorse slavery, and the people of South Carolina soon realized that he was not one of them. Referring to this fact in his diary, he says: "Nothing positive has happened, no offence given, and could we descend to it, we both agree we could make ourselves the most popular people,—build a house in the sand-hills, smoke our own hams, keep two horses,—no matter if we could pay for them. Oh, how they would carry me in their arms. But nothing could make me more one of them, and give me greater renown, than a pamphlet written for the South, especially in favor of slavery. I would

sooner cut off my right hand!" While in the South, Lieber was prudent in his utterances on slavery, but he was too manly to defend it as a positive good. When the proposed admission of California as a free state, led to a secession movement in South Carolina, Lieber wrote to Hillard: "I love my wife,—God knows it,—yet I know I should not feel her loss more than the breaking up of the Union. What a prospect! What a nipping of the fondest hopes! What a blast to Europe!" The Union men of South Carolina, desiring to strengthen the national feeling, resolved to celebrate by a mass meeting at Greenville, the Fourth of July, 1851. Lieber was invited to address the meeting, but as he was not able to be present, his speech was read. It was filled with the strongest Union sentiments, and was widely published in the papers of the day. About the same time, he made public his views on slavery in a series of five letters addressed to John C. Calhoun, touching the Wilmot Proviso, the right of extending slavery into the territories, the Southerner's plea that the slaves are his property, etc.

In one of the letters, he remarked:—

"It is not the North that is against you. It is mankind, it is the world, it is civilization, it is history, it is reason, it is God that is against slavery.

". . . You preach that the Bible is the book of

salvation, but you are obliged to forbid millions even to learn to read. Other people have established, lately, institutions for the instruction and melioration of even idiots, and everywhere the subject of general school education forms one of the highest questions of national policy, but you must condemn millions to ignorance.

“ . . . Slavery in the Southern states has produced a state of things which is not rare in history. Indeed, every great change must probably go through that stage, namely; when the minority sway for a considerable time the majority, because the existing state of things, which is to be changed, is so interwoven with ancient associations and the inmost feelings of the community, that it is easy to raise the hue and cry of heresy against every one who thinks differently or doubts; and timidity, want of concert, and a fear of being made to appear in favor of enemies, keep the majority for a long time from becoming manifest. It was so in the two centuries preceding the Reformation. But what a gush when once the dam was broken.”

Lieber regarded the election of Buchanan as a victory of Southern bullyism, the North yielding because the South threatened to secede. He immediately began to predict that the Union would not last. He pronounced the Dred Scott decision as illegal,

unjuridical, unphilosophical, and unethical. In the election of 1860, he decided to vote for Mr. Lincoln. He believed that Breckinridge was supported by a corrupt administration, which had dealt fraudulently with the Kansas question. He felt sure that were Mr. Breckinridge elected, he would have the African slave-trade reopened.¹ Writing to Allibone in 1860, Lieber said: "What we Americans stand in need of is a daily whipping, like a naughty boy. It were very wicked to pray to God for a chastising calamity to befall our whole nation, as it fell on Prussia in 1806, and led to regeneration; but as a historian, I have a right to say that when nations go on recklessly as we do,—dancing, drinking, laughing, defying right, morality and justice, money-making and murdering,—God in his mercy has sometimes condescended to smite them, and to smite them hard, in order to bring them to their senses, and make them recover themselves."

At a meeting of the Loyal National League, Union Square, New York, on April 11, 1863, Lieber expressed his Union sentiments in the language of the true philosopher. He read a paper entitled, "No Party now, but all for our Country," in which he encouraged all Americans to support the government; to

¹ "As to the African slave-trade, you know very well that I have always maintained that there is no blot so black in the history of Europe as the establishment of the negro trade."—LIEBER TO HIS SON, OSCAR, 1860.

approve the Conscription Acts; to insist on a speedy extinction of slavery; to abhor the secret societies which favored the rebellious enemy; to resist every partition of any portion of our country, and to pronounce every foreign minister accredited to our government, who tampered with our enemies, as failing in his duties toward us. He closed by urging every American, "be he such by birth or choice, to join the loyal movement of those national leagues, which is naught else than to join and follow our beckoning flag, and to adopt for his device—OUR COUNTRY." Lieber presided over a German-Republican mass meeting in New York City in the fall of 1863, and when the news reached South Carolina, the Euphradian Society of the College expelled him from honorary membership, and his bust and portrait were removed from the halls of the College. In 1864, he was invited by the Fremont men to become president of their Campaign Club; but he declined, stating that he was opposed to every personal-election movement, as it would only tend to weaken the forces of the Union party. He believed that the nomination of General Fremont could have no other effect than the division of the party, but not his election. In a letter to General Halleck on the presidential situation, Lieber remarked that the universal support of McClellan by the anti-administration people, and the apathy of the loyal people for Lincoln had brought

about a condition requiring the nomination of a new man. He urged that Lincoln should withdraw, and that Grant be taken up. In advocating this course, he had nothing against Lincoln, but he realized that individuals wear out quickly in revolutionary times. He added: "We must have a new man against a new man, and we cannot have him without Mr. Lincoln's withdrawal. Oh, that an angel could descend and show him what a beautiful stamp on his name in history such a withdrawal would be!"

Although Lieber was so firm a Union man, the Civil War knocked rudely at his door. His eldest and most promising son, Oscar Montgomery, marched under the flag of shame and laid down his life for the cause of secession, while Hamilton, who had joined the Illinois militia, lost his left arm at Fort Donelson. In a letter to Hillard, Lieber described his feelings as follows: "I am very unhappy. Oscar is so imbued with all that I hold worst in South Carolina, that hardly anything is left between us but the thread of paternal and filial affection. I enter thus upon the last stage of old age! Such things must have happened in the Reformation; but that does not mitigate its bitterness. Unfortunately, too, my whole life has been spent, and my very profession obliges me to pass my days in meditating on all that is going to ruin in corruption and violence." Again, to Dr. S. Tyler, he wrote: "If you ever go to Rich-

mond, go to the churchyard, where you will find my hope expressed on the tombstone of my son, Oscar. He fell on the Southern side, and his two brothers went to Richmond to place the tombstone on the grave. They have fought and bled on the Union side. You see the Civil War has knocked rudely at my door."

Although Lieber took a deep interest in all public measures, and followed closely the current of political thought, his mind was not adapted to take a practical, every-day part in current politics. His heart was bound up in the welfare of his country, and he could not descend to the level of the partisan. [He had a popular interest, however, in the tariff agitation, which, after 1840, assumed so much importance in our country. He was a firm believer in free trade, and defended his position on this question with numerous essays and lectures. He soon became one of the distinguished champions of the cause, and was styled by Secretary of the Treasury, Robert J. Walker, "the philosophic head of the Free Traders of the United States." Lieber's attitude on this question was in direct harmony with his political philosophy. He was the apostle of civil liberty, and in reviewing the industrial history of nations, he saw a direct connection between civil liberty and commerce. He looked upon protection as the first measure that nations resort to, when they rise to civil liberty, while "unshackled trade is always the second

Condensed

and higher stage of experience and analyzing reflection.”¹ Civil liberty, he claimed, has had the general effect of fostering self-reliance, and of quickening the brains of men, two qualities so important in an enterprising commerce. The most complete exposition of his views on this subject is found in “Notes and Fallacies of American Protectionists.”² These Notes consisted originally of outlines for his College lectures. They afterward appeared in the *New York Evening Post*, and upon revision, were published by the Free Trade Society in New York. He denounced protection as a veiled communism, destroying individualism and seriously interfering with production. Worse than this, he regarded protective tariffs as “despotic, often tyrannical in the extreme, and incompatible with civil liberty.” He hated all forms of despotism, and feared that the tariff had a tendency to disloyalize the people.]

[He interpreted the whole course of modern history as assisting to increase production, exchange, and consumption. The general diffusion of industry, the security afforded by the law of nations, the greater uniformity of ideas and concepts, the spread of religious liberty, the wise provisions for education, the longevity of nations, the opportunities for investing the smallest savings, the rational views concerning

¹ “Miscellaneous Writings,” vol. 1, p. 325.

² *Ibid.*, vol. 2, p. 391.

interest on money, the honor attached to labor, the safety afforded by freedom, the abolition of slavery, the decreasing waste in wars, the means of intercommunication—all have contributed to intensify exchange.¹ In closing his argument against the protectionists, he says: “No artificial legislation or fanciful regulation can make people wealthier. Exchange and production go constantly hand in hand, and all the wisdom and knowledge about markets and free trade, commerce, production, and increase of wealth, may be put in the short and inexorable formula with which I shall conclude these notes, to make it possibly more impressive for some readers—namely:—

“PRODUCT FOR PRODUCT”]

His lack of partisan zeal is well described in a letter to the author, from Hon. Andrew D. White, as follows: “As regards taking a practical, everyday part in current politics, I never thought him of the build for that. In fact, I once saw a curious exhibition of his inability to take such a part. He had been elected a delegate to a State Republican Convention, and came up to Syracuse, where I then was, to attend it. As he was my guest, I suggested to him, when the time arrived for calling the convention together, that we should go to the hall where it was held; but he was engaged in very earnest

¹ “Miscellaneous Writings,” vol. 2, p. 458.

political talk with me, and put off going, probably with the idea that not much would be done until his arrival. He reached the hall about an hour late, found it in all the noise and uproar which generally attends the sessions of such bodies, and as we listened to a roll-call, found that another delegate had claimed his seat, and had been admitted, in his absence. He heard the name of his opponent called and responded to, said not a word, listened a little longer, then proposed that we should take a walk, and he never went near the convention again."

X

RANGE OF HIS STUDIES — METHODS OF WORK — EXTENSIVE CORRESPONDENCE

AS a boy, Lieber's first desire was to become a botanist.¹ He soon abandoned this idea, however, and continued his studies in the gymnasium in charge of Jahn. At Berlin and Halle he was especially interested in the higher mathematics and history. At Rome, under the guidance of Niebuhr, he became further acquainted with the riches of historical and political studies. He was also an accomplished linguist and was familiar with nearly all the European languages. He acquired a knowledge of the English language with comparative ease, and his works have so vigorous a style that we might well say he is one of the few writers who have placed political science in a literary form. In 1828, Lieber was deeply engaged in the study of the North American Indians, and he urged a plan to found a society for the promotion of the study of the Indian languages. In a letter to Hon. Albert Gallatin, in 1837, he emphasized the great importance of the foreign languages, laying special stress upon a study of the ancient classics.²

¹ "Life and Letters of Francis Lieber," by Thomas Sergeant Perry, p. 5.

² "Miscellaneous Writings," vol. 1, p. 499.

Lieber had great physical strength and wonderful powers of endurance, thus rendering it possible for him to accomplish a vast amount of work. He was below medium height in stature, stout and muscular. His intellectual head was fitted for bronze or marble, and his countenance indicated the great man that he was. His well-developed mind was made still more comprehensive in its power by his wonderful memory. In his "Reminiscences of Niebuhr," he spoke of the memory as "the most useful and indispensable of all instruments in all pursuits." Lieber's friend, Judge Thayer, relates that "at one time in his student life in Germany, he allowed himself only four hours' sleep, and his food at that period often consisted of nothing but bread and apples." He rarely retired before half-past twelve or one o'clock at night, and was up at half-past six, for at seven o'clock he had a lecture every morning; while in the summer, he had one at six o'clock. He was never idle. During his last imprisonment, he composed a volume of poems, "Wein- und Wonne-lieder," which was published in Berlin. In his diary, the following entry is occasionally found, "Worked from eight to half-past six without interruption." His habits of industry continued throughout life. As late as 1857, while preparing his minor works for publication, he would begin at half-past seven o'clock in the morning and remain at his writing table until four, with only ten minutes interruption for

luncheon. From his earliest youth, he placed great value upon chronological tables in his studies. While at Halle, he amused his fellow-students, who often found him asleep on a sofa, with "Bredow's Tables" on his face. He even made for himself tables of the development of special great and important laws. From his earliest university days, and even previous to them, he loved to lie down by the hour; hold synchronistic tables over his head, and let the mind travel, collect, and find threads. Many thoughts which struck his hearers in later years as he uttered them, he could trace to these synchronistic wanderings of early life. Regarding methods of study, Lieber wrote to his son Oscar, in 1840: "Whenever you get a book, you must decide whether you will read or study it through at once, or put it away as a book of reference. If the latter is the case, you must read the contents. If they are not given, look over the index. If that is wanting, you must glance over the book, so that, at all events, you know what subjects are treated of in the work. If you put it on the shelf without this, you might as well not possess it at all. Mark this for all your life; the question is always important when we possess or own a thing, 'Are we master of it?'"

Lieber's studies covered a wide range of subjects. He explored not only the secret recesses of history, but he entered other fields as well. While preparing the "Encyclopædia Americana," he found it necessary to

make a careful study of French philosophy. He was a great admirer of Aristotle, designating him "the greatest human intellect." On one occasion he wrote, "Aristotle forever, but Truth even for longer than that." He was fond of poetry, and he made the following estimate of the greatness of Shakespeare to his friend, Hillard: "Do you know, Hillard, that every year I grow older, Shakespeare grows upon me with increased power,—by successive squares of the original root, although I do not become in the least degree more indulgent to his faults. But he is so great, so much greater than Milton, who, I cannot help feeling, occasionally falls into what I call the Ciceronian style." Lieber compared the minds and souls of such men as Shakespeare and Aristotle to the palace of Diocletian at Salona, within whose trusty walls later generations have built the entire city of Spolatio, nestling there with its dwellings and gardens and shops, secure against priests, Turks, and other ruthless people. The patriotic blindness of Milton always made a deep impression upon Lieber. Speaking of the blind poet, he said: "Milton, too, was the first who made liberty of the press a positive subject for political philosophy, and expressed his opinions openly and distinctly. And how perfect was his language! English was for him the lyre in Orion's hands. Therefore, all the greatest orators of England—Chatham, Burke, all—took Milton for their example, for with him they found the

purest English, free from platitudes or bombast." Burns was to Lieber an unspeakably lovely, tender, and soulful poet, and he paid the following beautiful tribute to the Scottish bard: "When I was young, I could never read Plutarch without a heart big with tears, not that the things related called for tears, — the frame of mind that sterling book put me into was one of *Wehmuth*, and painful longing. Now the scene is shifted. It is Burns that affects me thus. I can hardly read a line of his without that joy-pain, that soothing grief, which fills the heart of man in such thousand different degrees on this earth, from the feeling evoked by the very first tiny white floweret in spring, to that which overwhelms the soul when we read for the thousandth time the Sermon on the Mount." Lieber regarded Goethe as a thorough egoist. The Germans, he thought, wanted a downright plain prose more than any other nation. Speaking of the work of Lessing, Goethe, and Herder, he said: "They have done much, but with our tendency to float in the abstract, we have always a great love for images. They indicate a little what is meant, or what with the author himself is indistinct and foggy, and which he would give up were he obliged to speak in decent, plain prose. It is infinitely easier to write in high-flown language and use images, than to use sound, plain, strong, correct, precise, penetrating, and lasting language."

Lieber criticized American literature because no

revolutionary song worth talking of, was produced. He observed that, at the time when every American seemed to feel deeply and warmly for Poland, not one song was written. He remarked further: "Why look at our own poets in our own struggles. When Webster, Clay, and every one wrestled for, or against the Union, no Longfellow sang; and by heaven, there was a chance. It seems that somehow the Anglican does not know how to seize, in poetry, on an occasion, and give in rhyme, its very soul and savor." These illustrations show that his knowledge of history was adorned with the treasures of other learning; thus enabling him to pour out profusely in his works the best thoughts of all ages, and make even the profoundest subjects glow with the richness of reminiscence, and the transparency of historic truth.

Lieber enjoyed a correspondence and acquaintance with many of the distinguished scholars of this country and of foreign lands. His relations with Humboldt were most pleasant, and before he had met the great scientist, he wrote thus to his parents: "I am glad that you sent me a picture of Humboldt. In order to admire this giant as he deserves, one ought to have lived in both hemispheres. If it were allowable to use the term for any mortal, he, more than any other, would lead me to call him Humboldt Divus. I am now reading the last volume of his works, and feel an enthusiastic adoration for this

priest of science; for what he has investigated, discovered, and accomplished is far more than he himself could ever have hoped. I shall propose to Silliman to try to get the insignificant name of Rocky Mountains, so inconvenient for other languages, changed to the name of Humboldt Andes." During his visit to Germany in 1844, Lieber met Humboldt, who received him in a friendly way. It was chiefly through his influence that the king offered to Lieber the chair of penology in the University of Berlin. An intimate friendship sprang up between the two scholars, and in 1859, Lieber honored the great scientist with a memorial address on his life and character before the American Geographical Society.¹ Lieber often corresponded with Bunsen, while Mittermaier was one of his warmest friends. It was Mittermaier who urged him so strongly to write a treatise on penology, and who translated the "Civil Liberty and Self-Government" into German. Lieber had a large circle of friends among the public men of our own country. Webster, he regarded as not sufficiently truthful for a Northern senator, lacking the greatest and rarest of qualities of a statesman or a ruler,—a union of the sense of power with the naturalist's perception of the pulsations of life. In com-

¹ "For the young who hear me, I conclude with Humboldt's own words, in the last letter he wrote before setting sail for South America: 'Man must will the good and the great; the rest comes as decreed.'"—MISCELLANEOUS WRITINGS, vol. 1, p. 410.

menting on Webster's visit to South Carolina College, Lieber remarked that he remained cold, torpid, like an alligator, and in his intercourse was absent to a degree of discourtesy and rudeness. He appreciated Webster's oratory, however, and on one occasion, wrote: "To test Webster's oratory, which has ever been attractive to me, I read a portion of my favorite speeches of Demosthenes, and then, always aloud, parts of Webster's; then returned to the Athenian; and Webster stood the test." Lieber knew Beecher quite well, and in 1839 went to hear him lecture on Burns. He was not pleased with Beecher's oratory, remarking: "It was general talk, extremely well-worded talk, still talk, ornamented with that curse of American oratory of the present time,—something to make the audience laugh. Woe to the nation that holds these things to be the highest efforts of the mind, and they are held to be such. We lack as yet entirely in this country a set of men, to acknowledge and stamp broadly and deeply, high, substantial, non-popular merit." As to Everett's orations, he thought there was too much varnish in them. He was also in the most intimate relations with Professor Joseph Henry of the Smithsonian Institution, and spent some of the happiest days of his life with him. They both were deep thinkers, liberal, genial, and candid, and they stood soul to soul together in their views on many great questions.

The friendships formed by Lieber continued true throughout life. His intimate relations with Sumner were broken off, however, during a period of eight years, from 1853 to 1861. One of Sumner's biographers claims that the estrangement arose from the fact that Lieber in South Carolina, came to take a milder view of slavery than he carried there from the North, and that he dissented altogether from Sumner's radical treatment of the subject. Sumner looked upon Lieber as an apologist of slavery, and grieving over the matter, told him so in a letter. This was not agreeable to Lieber, and he closed the correspondence. From Lieber's own writings another view of the controversy may be obtained. It appears that he had dissented from the views in Sumner's Anti-war, Fourth of July oration, and he also took exceptions to the manner in which he was elected Senator. Although Lieber's objections were stated in the most friendly spirit, Sumner was deeply offended. When Lieber wrote to him for important documents for his branches, he received in return newspapers with articles about ill-treated negroes, marked with thick lines. Lieber finally wrote to Sumner requesting him to stop; that he, living in the midst of slavery, knew the institution perfectly well. The next letter from Sumner contained the charge that Lieber had turned a pro-slavery man, to which he replied: "This is an ill-requital for a life actually spent in the service of liberty, by my blood,

word, and pen." This unpleasant correspondence was closed by a letter from Sumner in which he reminded Lieber, that while visiting at Longfellow's, he had made the statement that the negroes were physically well-treated on the plantations, and better than in the West Indies. Lieber did not reply to this letter, and for eight years, the estrangement between the two scholars continued. This difference arose from the fact that Sumner took a radical, sectional view of the great political issue of the day, while Lieber was not a partisan, and he recognized it as his duty to treat public questions in the spirit of the philosopher. Sumner's charge that his old friend had compromised with slavery was without foundation. Lieber was hated in the South because he did not defend the institution of slavery, while from his earliest boyhood he had been an apostle of freedom. He not only hated oppression, but in his "Civil Liberty and Self-Government," he has described for all ages the immortal foundations of liberty and free institutions. Lieber spoke of this unpleasant affair with Sumner in the following candid manner: "Sumner requires adulation; I am no flatterer. I can love and devotedly love; I feel the luxury of being thankful, and the delight of admiring; but I am, above all, a man that loves truth, and adulation goes against my grain whether it be applied to me or expected of me." In 1861, Lieber addressed a note to Sumner, and their old-time pleas-

ant relations were restored. Sumner learned to know the character and abilities of his friend better than ever before, and he frequently sought his advice on important public questions. He was just as willing to return the kindness, and he assisted Lieber's sons to obtain positions in the army.¹

Probably the most intimate of Lieber's connections abroad was that with Dr. Bluntschli, of Heidelberg, who honored him with the following beautiful tribute:² "The intimate personal connection in which I stood with Lieber in his declining years, although, indeed, through interchange of letters, and not through meetings face to face, was for me a constant stimulus and source of satisfaction. This relation with Lieber was animated and strengthened by great and world-historic events; first of all, the war for the American Union, from 1861 to 1865; then the war between Austria and Prussia in 1866; and finally, the Franco-Prussian War. From 1860 to 1870, Francis Lieber, in New York, Edward Laboulaye in Paris, and I, in Heidelberg, formed what Lieber used to call a 'scientific clover-leaf,' in which three men, devoting themselves especially to political science, and at the same

¹ Speaking of Sumner's character, James Ford Rhodes remarks in his "History of the United States from the Compromise of 1850": "His faults were venial, and such as we might look for in a spoiled child of a city of culture. He was vain, conceited, fond of flattery, overbearing in manner, and he wore a constant air of superiority."

² "Miscellaneous Writings," vol. 2, p. 7.

time uniting the historical and philosophical methods, combining theory with practical politics, and belonging to three different nationalities, to three states, and to three peoples, found themselves growing together by the ties of common sympathy, and thus, figuratively speaking, representing also the community of Anglo-American, French, and German culture and science. The personal tie, indeed, is now, alas, broken. Lieber is dead. Laboulaye had already virtually separated from us, for he could not overcome the bitterness caused by his feelings and experience during the Franco-Prussian War. But that community of thought, science, and endeavor which we represented for three peoples and for three civilizations is not broken up, but will broaden and deepen and become more fruitful as surely as the peculiar spirit and individual forms of nationality existing of their own right, find their true harmony and highest end in the development of humanity."

Since the above beautiful words were written, these three publicists have closed their earthly careers, but in our own country there has been erected a fitting memorial to them. A few years ago, the German citizens of Baltimore purchased the Bluntschli library, and presented it to Johns Hopkins University. Lieber's widow desired that the manuscripts of her husband should be associated with those of his old friend, and she gave his papers to the University,

along with copies of his various works. The works of Laboulaye have also been added, so that "the community of thought, science, and endeavor" of which Bluntschli wrote, is now perpetuated in the collected writings of these three men in the library of Johns Hopkins University.¹

¹ "Bluntschli and Lieber never met face to face; they were friends, however, by long correspondence, and by common sympathies. Lieber used to say that he in New York, Bluntschli in Heidelberg, and Laboulaye in Paris, formed a scientific clover-leaf, representing the international character of French, German, and Anglo-American culture." — *STUDY OF HISTORY IN AMERICAN COLLEGES AND UNIVERSITIES*, p. 180.

XI

RELIGIOUS VIEWS — PERSONAL CHARACTER

NO one has ever expressed a deeper reverence for the Christian religion than Lieber, and yet he was hated in the South because he was not a bitter Calvinist, and because he attended the Episcopal and not the Presbyterian church. Before he went to South Carolina, he was represented by the more zealous as an infidel in disguise. But Lieber was not only a Christian believer, whose life was pure and consistent; he ably defended this religion in his public writings, by showing its influence in the course of history. It is true, as a defender of civil and religious liberty, he despised all attempts to coerce the conscience. This is shown by the following note made in his diary on February 28, 1837:¹ "This morning Professor Jones, of the Theological Seminary, preached in the college chapel,—hell, eternal damnation. God looks in despair upon the damned. Such positive blasphemies were uttered, that I felt excessively sorry for having taken Oscar with me. The idea of eternal damnation, even of the very worst, is so abhorrent and un-

¹ "Life and Letters of Francis Lieber," by Thomas Sergeant Perry, p. 115.

philosophical that it is very difficult to me to imagine any reflecting man that believes seriously in it." To a fellow-member of the Faculty of South Carolina College, who had been charged with teaching unbiblical doctrines, Lieber declared that the Bible is the greatest truth of all, and, therefore, finds the most manifold misapplications and distortions.¹ He added: "Natural philosophy, geology, political economy, the lightning rod, vaccination, the disbelief in witchcraft, navigation, the Royal Society of London, taking interest on money, printing, civil liberty, making roads, gardening, astronomy, anatomy, the belief in a western continent, a proper division in universal history, the abolition of the title, the political independence of nations, the separation of the Church from the State, the belief in spectres, inquiries into human language, the annihilation of the *jus divinum*,—all, all have suffered from misapplications of the most truth-loving and most truth-preaching of all books." Referring to the action of Ferdinand VII., who through the influence of the Spanish priesthood, had abolished the chair of natural philosophy in the University of Salamanca, Lieber exclaimed: "A fine God, that of these priests! Whether you approach him by reading the Bible, or by reading nature, you are alike led to atheism. O God of truth, how long? how long?"

In 1850, Lieber wrote an essay on the necessity of

¹ "Life and Letters of Francis Lieber," by Thomas Sergeant Perry," p. 240.

religious instruction in colleges, in which he held that every college in the Union would be essentially defective without a chair for the evidences of Christianity and biblical knowledge in general. Considered purely as a branch of knowledge, he regarded Christianity an indispensable element of liberal education, while this kind of instruction seemed to him doubly important since man is a religious being, and if true religion is not imparted, he will cling to a bad one.¹

Lieber believed that without the Reformation in England, the world could not have been what it is, and that we should not have the whole body of essential principles of civil liberty and representative government. He recognized the fact that the moral value of the individual became immeasurably raised by Christianity; that it was not confined to the limits of the State, but that a new territory had been discovered beyond the State in which man is something important besides being a citizen. He firmly believed that wherever this religion spread, the individual, moral value of man was acknowledged, and that something beyond the State was preached, so that the State now becomes the means to obtain something still higher. The following beautiful estimate of Lieber's religious feelings is found in *Scribner's Monthly Magazine*, October, 1873: "He had known sorrows deep and trying, but he bore them with the philosophy of a

¹ "Miscellaneous Writings," vol. 2, p. 525.

thinker, and the humility of a Christian. Nowhere in Francis Lieber's great mind lingered that arid unbelief which makes Gibbon say that 'all religions are equally true in the eyes of the people, equally false in the eyes of the philosopher, and equally useful in the eyes of the statesman.' Francis Lieber was a Christian, and when the angel of sorrow brushed his heart with her wing, she but added a new tenderness and a profounder faith to that which was there before. Sorrow, to such a mind, is but a visit from the gods. Great and terrible is the honor; may we none of us be found unequal to it!" Darwinism was despised by Lieber as a wayward and repulsive dogmatism. He preferred rather the cosmogony of the unethical Greek mythology. He had, in fact, but very little time to devote to the natural sciences, as his studies were along other lines; but he was intimate with a number of naturalists, and he had a good knowledge of their theories.

Lieber was an ardent lover of the fine arts. "What will become of the world when there is no Raphael, no Apollo Belvedere, no Angelo?—and that time will come," he exclaimed. He took great delight in poetry, flowers, perfumes, and little children. While in the South, he was frequently visited by a whole coachful of little girls from the Preston house, who would bring baskets of flowers for his lecture room. He often said that the mob of riotous, sweet little

girls were very much like the flowers. He always had flowers on his desk, and one of his students, a son of Judge Preston, repeatedly brought him roses. He had a particular weakness for delicate perfumes, and a bottle of Lubin's violet might be found in every room of his house. Speaking of Lieber's love for the beautiful, Dr. la Borde, in his "History of South Carolina College," writes as follows: "He is fond of the beautiful, and is arrested in admiration whenever it is presented. It is beneath the dignity of my subject to say that he will almost *steal a flower*, that he may send it with a complimentary note to a young lady. He loves to look out upon a May-day when the earth teems with buds and blossoms, and how responsive is his heart, with its hopes and joys. Shall I add that he has a youthful fondness for the society of girls, and that no young gallant can surpass him on such occasions in light and airy conversation. But I must not forget his sympathy with little children; 'those flowers that make the hovel's earthen floor delightful as the glades of paradise.' He will play with them by the hour, and leading the way, forget his manhood, and become as one of them. Does this not speak volumes for his heart? Shall I say more? He has left South Carolina College, but his affections still linger around it. He loves the trees under whose shades he walked for twenty years, the lecture room where he

so long labored in the cause of knowledge; and the ivy which he planted, and which now spreads itself in rich luxuriance over the house which he occupied, has fastened its tendrils upon his heart, and is entwined in everlasting embrace around it."

Lieber's cheerful disposition made him one of the most conspicuous ornaments in society during his earlier residence in New York. He spoke English with that terseness which accompanies its acquirement as a foreign language. He was ready with wit and repartee. At a party, a lady once told him that he showed great knowledge of English in his ability to understand all jokes. "Yes," he said, "but sometimes I say a stupid thing. That is because I have not yet conquered all the *delicatesse* of the language; the stupidity is in the language, not in me." On another occasion, he was asked by a lady for some information about a Louis Quinze dress, and he answered the question with a profound treatise on powdered hair, concluding as follows: "I demand for my wages, to see you 'en Marquise,' and I am always yours, whether I am endusted or embooked, or whether you are envioleted, enrosed, or enpinked."

Lieber possessed a nature susceptible to enjoyment and sorrow alike. Judge Thayer relates that on one occasion, when the competitors for a prize in Lieber's department of the Law School at Columbia College were writing the prize papers, at the end of

the period he was requested by the students to extend the time for one of their number. "But why?" he asked. The answer was, "He was wounded at Fort Fisher in the right arm, and cannot write as fast as we can." Lieber turned away, overcome with emotion, and could only nod his assent. He was possessed with the keenest sensibilities from his earliest years. While a student at Jena, he journeyed on foot to Dresden, living on bread and plums by the way, to see the Madonna di San Sisto of Raphael. As he stood before the picture, he was so overcome by his feelings that his emotions attracted the attention of a lady, whom he afterward discovered to be one of the daughters of the great Tieck. She spoke to him and encouraged his sentiment.¹

It was a source of much regret to Lieber's many friends, when, on account of advancing age, he with-

¹ Steffens had a similar experience while a student at Freiburg. He went on a certain occasion to Dresden to visit the art galleries. His mind became so overwrought that he almost reeled; but when the guide led him on to the picture of the Madonna, he broke down completely. The scene is described as follows in his "German University Life": "At last we stood before a picture of uncommon size. A woman's figure seemed to be floating on clouds, and in her arms she bore a child whose face was of strange and ineffable beauty. My feelings had reached their height. I could bear them no longer, and burst into violent and uncontrollable weeping. I tried to govern myself, for I felt that every eye was upon me, and at length I succeeded. And then I learned that the picture which had so moved me was the most celebrated of the gallery, the Madonna of San Sisto, Raphael's great work."

drew from society. It is related that at a dinner given by Mr. Ruggles to the Bishop of Litchfield in 1871, Lieber appeared with all the grace of former years; but on being rallied after dinner on his neglect of that society which so eagerly sought him, he said with much feeling, "All noble things are difficult; society is difficult after you get old." Lieber was a good lover, and a good hater as well. He once declared to Judge Thayer that he should not like to go to heaven if Louis XIV. were there. Dr. la Borde, of South Carolina College, who was associated with Lieber for many years, pays the following tribute to him as a man: "Associated with him for thirteen years as his colleague in the faculty, and sustaining toward him relations of confidence throughout that period, I think that I have had ample opportunities for forming a right estimate, and that my judgment is entitled to some measure of value. He knows his strength, and never distrustful of his powers, always exhibits a spirit of bold self-reliance. In the ardor of discussion, he may become too dogmatic and peremptory, and act like one who never shows mercy, or 'gives quarter.' This may create the impression that his character is cast in too stern a mould to allow of the existence of the tender and sympathetic affections. But this is a mistake. His heart is as large as his brain, and endued with a tender sensibility. He can carry out the lesson of the poet:—

‘to feel another’s woe,
To hide the fault I see.’

I know that he is kindly natured, free to forgive, and incapable of malice. His personal morality is without reproach, and he illustrates in his life the doctrines so impressively inculcated in his published works.”¹

Lieber’s character was filled with simplicity and candor. While he did not desire notoriety, he thought that his fame would endure, and rest mainly upon his published works. His home life was particularly beautiful, and his wife venerated him. The interior of his residence in New York City was filled with many evidences of his lofty ideals, and it is well described by Judge Thayer, as follows:²—

“Over the door of his house in New York, he had placed *Die Studirende Eule*,—the owl studying, and he dated his notes from ‘The Owley,’ declaring that he bore strong resemblance to that bird. On the ceiling were painted these words:—

Patria Cara
Carior Libertas
Veritas Carissima.

Over the door of his library hung the panel of a bench saved from the fire which destroyed the chapel

¹ “History of South Carolina College,” by M. la Borde, M.D., p. 408.

² “Miscellaneous Writings,” vol. 1, p. 42.

of South Carolina College, on which he had painted the saying of Socrates, 'All noble things are difficult.' On the seal which he had adopted in his youth, were the words, *Perfer et Sperne*. In his library hung what he called his *Stella duplex*—William of Orange and Washington, engravings of which he had arranged and framed upon one card with on one side, the motto of William of Orange, *Sævis tranquillus in undis* and on the other (Washington having no motto of his own) *Tenax et Integer*. Another *Stella duplex*, similarly arranged, contained the likenesses of Hampden and Pym; above them the words, *Nulla vestigia retrorsum*, and underneath,

MDCXL

Claris Civibus

Probis et audacibus

Heres gratus et compos

Libertatis expugnatae

Et defensor.

"In his bedroom, he had busts of Plato, Schiller, and Alexander Hamilton, whom he greatly admired, and over the mantelpiece, his favorite—Hugo Grotius."

[Lieber died suddenly on October 2, 1872.] He had been only slightly indisposed for a few days with a cardiac affection, and while listening to his wife who was reading to him, he gave a cry of pain, and almost immediately expired. His death was, therefore, a severe blow to his family, and its announcement was read with sorrow by multitudes of scholars on both

continents to whom he was endeared. The funeral services, held at the Church of the Incarnation, on Monday, October 7, were conducted by Bishop Potter, while the following distinguished men acted as pallbearers: President F. A. P. Barnard, ex-President T. D. Woolsey, of Yale, Dr. H. Drisler, professor of Greek, J. H. Van Amringe, professor of mathematics, Drs. Detmold and Dwight, William Cullen Bryant, Hon. Samuel B. Ruggles, and Hon. M. Russell Thayer. The interment was made at Woodlawn Cemetery, where a bronze bust by J. Q. A. Ward, marks the distinguished publicist's grave.

One who best knew Lieber declared that when he died, the whole world sustained an irreparable loss. Conquering hardships in his youth, his maturer years were filled with greatest industry, while even in old age, he retained the powers of his brilliant mind. However restricted may have been his popular influence as an author, his opinions and writings have been valued by the foremost thinkers of the age in almost every land. The scholars of two continents sought to honor him and learned societies gave him recognition. He received the degree of LL.D. from Harvard, and the French Institute elected him and Archbishop Whately corresponding members the same day. The extent and depth of his knowledge, and his broad, manly way of applying it, are everywhere illustrated in his works. There was something very noble and kindly

about his way of discussing great subjects. It has been charged against him that he was a *doctrinaire*, but this is one of those unjust flings that amount to nothing. While strongly grounded in the best thoughts of writers on political subjects, he was as independent in his thinking as any wise man is likely to be. That his political philosophy was largely evolved out of the thoughts of previous writers, for hundreds,—nay, thousands of years, is true, and this is, indeed, a great merit of it, as it is of almost all thinking of any permanent value to mankind. The *Princeton Review*, of October, 1858, gives the following excellent summary of the character of his political works: “Lieber is a man who stands on the altitudes of history, and not on a mere political platform. His work is, therefore, based upon the grand memories of the past, and not upon the shifting politics of a day. Most political writers have looked at political life from one point of view—that of their own times. But Lieber has looked at it from every period presented in each successive cycle of human progress, and has not only appreciated the results of the working of the various institutions, but has noted the growth and the mutations from age to age of the institutions. In the true scientific spirit, Lieber brings to his expositions of principles all the resources of abstract reasoning; well knowing, and, indeed, so declaring that all progress is founded in historic development and abstract reasoning. While,

therefore, Lieber lights the torch of science at no lights but those of experience, he adds to it that prescience of reason which is to direct the statesman's forecast into the future."

No Right without its Duties, no Duty without its Rights, was Lieber's favorite motto, and the author has endeavored to show how his life was moulded by this principle.

APPENDIX

PROFESSOR LIEBER'S REMARKS ABOUT STUDIES ADDRESSED TO THE TRUSTEES OF COLUMBIA COLLEGE, AUGUST, 1857.

FOR THE HONORABLE THE BOARD OF TRUSTEES OF
COLUMBIA COLLEGE

Remarks by Francis Lieber:

The Board of Trustees has passed a statute which directs that every professor shall be employed fifteen hours a week in instructing the undergraduates, or three hours each day.

The Seniors belonging to the undergraduates are to receive, according to the new organization, what, for brevity's sake, I shall call university instruction, partially or wholly so; that is, they are to receive lectures, to which I have proposed to myself to add stated *repetitoria*, or stated examinations of the class, so that I shall be able to keep myself informed of the progress of each student, and give the proper stimulus to taking regular notes, and to the consulting of those works which I may indicate in the course of the lectures.

There is to be an additional post-graduate course of two years, consisting likewise in courses of lectures, to be delivered by the professors. This is an addition to the fifteen hours of instruction to be given by each professor each week to the undergraduates. I suppose there will be demanded, say, four lectures delivered by each professor each week in the post-graduate course. Now, I wish to show to the Honorable the Board of Trustees that this is not feasible. I shall restrict my

remarks to myself alone. I have conversed with no fellow-professor. On the other hand, I believe that I may fairly be considered as a representative of my colleagues. At all events, what I shall have the honor to state here is the result of a very long and extensive college experience, and of a knowledge of what is performed in American and European colleges and universities.

I have never in my life delivered the same lecture twice over, and hold it to be one of the first duties of a conscientious and ardent professor always to adapt his lectures both to the spirit and temper of his class and to the current events of the times. Without it his lectures must lack the true inspiring and inciting character. They will turn out hollow and flat. Routine may give some information, but it cannot impart and infuse true knowledge, which becomes part and parcel of the hearer's self; it cannot inspire with a love of the subject, and is unable to elevate the minds of the hearers, which is the thing desirable above all others in higher teaching, and especially in America, and most especially in a large distracting city like New York.

A sound, animated, and inspiring lecture cannot be delivered without, at the least, *three hours' immediate preparation*. By immediate preparation I understand that preparation which a teacher, fully master of his subject, requires to arrange his notes, refer to works and manuscripts, and mentally to prepare his whole lecture. So that two lectures require, with the two hours of delivery, eight full hours. A recitation which to be a proper one, requires at least an hour's immediate preparation, so that two lectures and a recitation would require at the very least ten hours, to which must be added the time of going to the college and from the college to the place of lecturing (say, the Cooper Institute). In one word, some eleven or twelve hours each day would be consumed, and consumed with intense activity of the mind.

I hardly ever occupy an entire hour with recitation alone. Twenty minutes or half an hour are almost always occupied with what in Cambridge is called occasional lecturing.

But it is one of the *sine-qua-nons* of an efficient professor that he should actively and ardently study several hours each day. If he does not go on expanding his knowledge and widening his mind to the last hour of his professorship, he is a worthless teacher, and a book to be read to the hearers might be fitly substituted for him at greatly diminished cost. A professor ought to be a living being with a living, that is an active, expanding, and creative mind.

It is, moreover, not only desirable, but in my opinion a necessary requisite, for a prosperous institution of learning, that its professors sustain and increase its reputation abroad, and continually strive to elevate its rank by occasional proofs of their intellectual life in the shape of works and other compositions which give evidence to the world that they are active fellow-workmen in the great vineyard of knowledge. The reputation of a college is the opposite to that which was desired of Cæsar's wife. You must hear of it. Even the mere numerical increase of students requires it. A college, to enjoy the confidence of the community, ought to be heard of, and ought to be known to the whole land as a busy, active institution. It can be known thus chiefly by the publications of its officers alone.

Where, then, are the professors to take the time for these necessary labors — necessary also for the intellectual progress of the professors themselves; for, a literary man will soon become a passive mental voluptuary if he does not from time to time concentrate his mind on a distinct and original work intended to stand the great test by publicity. Without this a scholar is apt to collapse.

In no university that I know of — and I know nearly all — does a professor deliver more than two lectures a day. I know, indeed, of none where this is done. Sometimes a professor delivers two lectures on one day, but then on others none.

In South Carolina College, where I labored for more than twenty years, I was occupied each week eight hours in lectures and recitations, and my time has always been engaged in teaching or studying fully and uninterruptedly. My hours of rest

are never more than six ; for many long periods they have been less.

I have made inquiries, and the answers to my questions show that professors in other American institutions think that two lectures a day is too much for an active mind.

I think, then, that three hours of daily employment in teaching in the undergraduate and post-graduate course is the very maximum that ought to be demanded. It is too much in my opinion, and I feel sure that the Trustees will find it so after a trial. In German gymnasiums, where recitations, as we call them, obtain, never more than three a day in the *lower classes* are required of each teacher, and these classes correspond to our schools. I know that in American schools a teacher is frequently engaged six or seven hours, but he is engaged a great part of the time in the passive occupation of merely *hearing* recitations, and what are the consequences? Nor does the Board desire to establish a school, but, on the contrary, they have nobly resolved to elevate Columbia College in a manner proportionate to the just demands of our country, and commensurate to the means at its disposal.

FRANCIS LIEBER.

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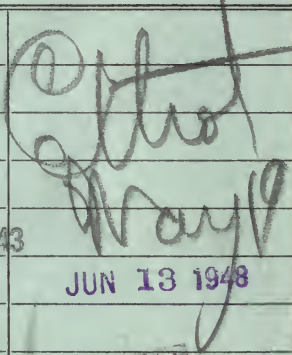
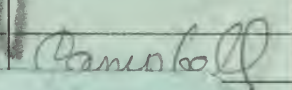




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